

67808
-67819

1979 Proceedings 14th ANNUAL INTERAGENCY WORKSHOP

Presented by Continuing Education

Criminal Justice Center
Sam Houston State University

PROCEEDINGS OF THE
14th INTERAGENCY WORKSHOP

May 28 - June 8, 1979

SAM HOUSTON STATE UNIVERSITY

NCJRS

APR 23 1980

ACQUISITIONS

CRIMINAL JUSTICE CENTER

Victor G. Strecher, Dean and Director



Continuing Education Department

Marcus E. Kenter, Coordinator

Huntsville, Texas

The annual Interagency Workshop is made possible in part by a grant from LEAA and the Texas Criminal Justice Division, Grant No. EA78E015557, entitled Correctional Personnel Training. The fact that the Criminal Justice Division provided financial support to the activity described in this publication does not necessarily indicate CJD concurrence in the statements or conclusions contained herein.

FOREWORD

The Interagency Workshop

Presented herein are the proceedings of the 14th Interagency Workshop held at the Texas Criminal Justice Center, Sam Houston State University at Huntsville, Texas from May 28 - June 8, 1979. Interagency Workshop has traditionally been a dynamic lecture series drawing criminal justice professionals from Texas and nationally. Faculty is selected from across the United States and internationally. While the concept of gathering together multidisciplinary professionals to discuss the state of the art is no longer new, Interagency Workshop still maintains its reputation for excellence.

The Texas Criminal Justice Center

In 1965 the Texas Legislature established at Sam Houston State University a program for "training and study in the exploration of crime as a social phenomena, rehabilitation of criminals and the promotion of research, demonstration projects and surveys of pertinent problems in the field of crime, delinquency and correction." In 1969, the Legislature furthered the concept by appropriating matching funds and federal funds were secured for the construction of the Criminal Justice Center, completed in 1976. The Center is undoubtedly the largest and most versatile criminal justice education complex in the nation, housing 24 academic faculty and serving over 1000 students. The Center includes the Continuing Education Department; a media center and teleproduction studio; research and survey projects; and the National Employment Listing Service. The inclusion of a 200-bed hotel in the Center created the natural environment for both statewide and national workshops, seminars, and training activities. All Texas Probation and Parole Officers receive training at the center, as well as correctional officers of the Texas Department of Corrections, Texas Sheriffs, judges, lawyers, and other criminal justice personnel. Training and educational programs are continually being developed to meet the needs of Criminal Justice professionals in almost every discipline. For more information about the training programs of the Criminal Justice Center, write to Marcus Kenter, Coordinator of Continuing Education, Criminal Justice Center, Sam Houston State University, Huntsville, Texas, 77341. Inquiries concerning academic and research programs may be addressed to the Dean.

ABOUT THE PRESENTERS

RONALD L. AKERS

Dr. Akers is Chairman of the Department of Sociology at the University of Iowa and President of the American Society of Criminology. Prior to his chairmanship, he served as a Visiting Fellow, Boys Town Center for the Study of Youth Development, and as a professor in the School of Criminology at Florida State University. He received his M.A. in Sociology from Kent State, and the Ph.D. from University of Kentucky. Dr. Akers is on the Editorial Consultant Board for the *Journal of Criminal Law and Criminology* and on the Editorial Policy Board for *Deviant Behavior*. Among his recent books are *Deviant Behavior: A Social Learning Approach* and *Crime, Law and Sanctions: Theoretical Perspectives*.

ERIC BAILEY

Eric Bailey is superintendant of the Greater Manchester Training School at Police Headquarters, Manchester, Great Britain.

JOE DOUGLAS BAILEY

Dr. Bailey is the Senior Security Representative, Corporate Security Department of The Gulf Companies at Houston, Texas. He has worked extensively with police agencies in Europe, North Africa, Melonesia, Asia, The Orient, the Middle East, South and Central America. After successful experience as a legal, civil, and criminal investigator, Dr. Bailey is now a member of the staff and faculty of the Provost Marshal General School teaching police sciences to the armed forces of the U.S. government agencies, industry, and selected foreign personnel. He holds the Ph.D. from Sussex College, the J.D. and Bachelor of Laws from Chicago, and an AA in law enforcement and security from the University of Omaha.

NORMAN BISHOP

Norman Bishop joined the English Prison Service in 1948 after working as a social worker and youth club leader in London. Mr. Bishop served as Principal of H.S. Staff College for prison staff training at Wakefield, England. In 1963, he began work with the Division of Crime Problems, Council of Europe, and became Head of that Division in 1964. Mr. Bishop is currently head of the Research and Development Unit within the Swedish National Prison and Probation Administration.

R.W. BURNHAM

Dr. Burnham is the Social Affairs Officer, United Nations, New York, New York. He has served as Senior Lecturer in Criminology, Department of Law, University of Keele, Staffs, and as Acting Assistant Professor of Criminology, University of California, Berkeley. Dr. Burnham was instrumental in providing a conference on the Integration of Programmes for Ex-Offenders into the general provisions of the Social Services, University of Uppsals, Sweden; and at the Asian and Pacific Regional Meeting prior to Sixth United Nations World Congress, Manila, Philippines, as well as an interregional meeting of experts, Ottawa, Canada, on World Crime Trends and Crime Prevention Strategies. Among his publications are *Political Influences on a Correctional System* and *Attitudes to Priorities in Training of Correctional Personnel*.

JANE ROBERTS CHAPMAN

Ms. Chapman is a co-director and founder of the Center for Women Policy Studies, a Washington-based organization which undertakes policy research on selected issues relating to the status of women. As a labor economist, she is particularly interested in the economic status of women. Ms. Chapman has been Editor of the series *Sage Yearbooks in Women's Policy Studies*, and Assistant Managing Editor of *Monthly Labor Review*. In 1977 and 1978, she directed a project on Correctional Programs for Female Offenders and is currently directing a project to investigate the employment and utilization of women in the correctional field. Ms. Chapman has had many articles and papers published in such periodicals and journals as *Women's Agenda*, *Challenge*, *Signs: Journal of Women in Culture and Society*, and the 1971 and 1972 *Manpower Report of the President*.

OLE INGSTRUP

Ole Ingstrup is the Director of the State Prison at Kragsskovhede in Jerup, Denmark. He received his Master's Degree in law in 1966 from the University of Aarhus where he also instructed classes in criminal law and criminology. In 1968 he was a member of the Standing Committee on National Crime Statistics and the following year became Deputy Prison Director. He received his Lic. Jur., (Doctors) degree in 1970. In 1972 he was a visiting professor at the United National Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders in Tokyo, Japan. He was Chairman of Research Council of the Prison and Probation Administration while also being Chairman of the Planning Committee for the Ministry of Justice in 1974. Most recently, Mr. Ingstrup has been a member of the Committee on Special Problems in Closed Establishment Ministry of Justice and a member of the Research Group Preparing a Report on Prison Management for the European Council.

JOHN G. KROGMAN

John G. Krogman is Deputy Director of the Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. Mr. Krogman joined ATF in 1956 as a special agent in Detroit. He rose through the ranks, from Group Supervisor for Milwaukee in 1962 to Special Agent in Chicago at St. Louis in 1967. In 1969, he became Assistant Chief for Enforcement at Chicago, then moved to Washington, D.D., as Technical Advisor to the Assistant Director in 1971. In 1972, he was named Chief of the Firearms and Explosives Branch, and that same year became Deputy Assistant Director for Criminal Enforcement. In 1973, Mr. Krogman went to San Francisco as Director of the Bureau's Western Region. In directing Bureau investigations in the West, Mr. Krogman became recognized as a leading authority on the activity of bombers and illegal use of explosives. Mr. Krogman holds a degree in police administration from Michigan State University. He also studied public administration at Syracuse University, Federal Executive Institute, and Harvard University.

CLARENCE E. KELLEY

Clarence E. Kelley was Director of the Federal Bureau of Investigation from 1973 to 1978. Prior to that appointment, he served as the Police Chief of Kansas City, Missouri. He has held numerous elective positions in various law enforcement associations and is a holder of the J. Edgar Hoover Gold Medal Award for 1970. Mr. Kelley received his LL.B. degree from University of Kansas City (now UMKC) in 1940. Presently he is a visiting professor at the University of Alabama at Birmingham.

CLARK S. KNOWLTON

Dr. Clark S. Knowlton is professor of Sociology and Director of Social Research and Development at the University of Utah. He received his Ph.D. in 1955 from Vanderbilt University. Dr. Knowlton is a researcher and author of many articles published in sociological, economical, and other professional journals.

THOMAS F. LONERGAN

Mr. Lonergan is Director of Criminal Justice Consultants in Downey, California. Formerly he was a Lieutenant with the Los Angeles County Sheriff's Department, and was the Project Director of the Department's Regional Criminal Justice Task Force, which prepared the Los Angeles County Master Plan/Corrections. Mr. Lonergan, Master in Public Administration from Pepperdine University, is the author of *Jail Administration*, soon to be published by Prentice-Hall and AIMS Film Corporation.

JAMES J. MEAD

James J. Mead is the founding Executive Director of "For Kids Sake, Inc.", a private all volunteer, nonprofit corporation dedicated to the early recognition and prevention of child abuse in Brea, California where he was formerly a police officer. A graduate of Cal-State Fullerton in Criminal Justice, he did his graduate work at USC and in 1974 began lecturing extensively on child abuse. His publications on child abuse include *Battered Child Tic-Tac-Toe* (1974), *Child Abuse Identification Guide* (1975), *California Child Abuse Recognition and Investigation Manual* (1976), and *The National Parenting Test* (1977).

STANLEY RATCLIFFE

As Deputy Chief Probation Officer for Inner London, Stanley Ratcliffe is head of Probation Services in the South East Division and is responsible for all Hostels, Day Training Centres, and Parole and Prison Welfare within Inner London. Since becoming a probation officer in 1949, Mr. Ratcliffe has held various offices in professional associations and also works with the Marriage Guidance Council of Great Britain. Mr. Ratcliffe attended Nottingham University and The Tavistock Institute of Human Relationships.

BARBARA STAR

Dr. Barbara Star is an Associate Professor, Department of Social Work, University of Southern California. She is an M.S.W. from the University of California at Los Angeles, and received her Ph.D. in Social Work from Ohio State University in 1973. She has also taught at Michigan State University and Ohio State University. Dr. Star has published extensively in various sociological and psychological journals.

J.D. WILLIAMS

Dr. Williams is Professor of Political Science, University of Utah, Salt Lake City. Dr. Williams was the founding Director of both the University of Utah's Bureau of Community Development and the Hinkley Institute of Politics. He has served as a Presidential Elector for the State of Utah and has run for the U.S. Senate. Dr. Williams is author of *Public Administration: The People's Business*.

*Note on the Proceedings: Several Presentations given at the Interagency Workshop are not included herein for various reasons.

CONTENTS

Foreword	i	
About The Presenters	ii	
PUBLIC ADMINISTRATION: THE PEOPLE'S BUSINESS by J.D. Williams	9	
FAMILY VIOLENCE AND THE CRIMINAL JUSTICE SYSTEM by Barbara Star	14	67809 (L)
TERRORISM: AN EXAMINATION OF THE PROBLEM by J.D. Bailey	18	67810 (L) ✓
PROGRESS AND PROBLEMS IN SWEDISH CORRECTIONS by Norman Bishop	24	67811 (L) ✓
ARSON: FEDERAL, STATE, AND LOCAL RELATIONS by Johy G. Krogman	28	
JAIL AND PRISON GANGS by Thomas F. Lonergan	31	67812 (L) ✓
UNDOCUMENTED WORKERS by Clark S. Knowlton	33 37	
PERSPECTIVES: MUNICIPAL AND FEDERAL LAW ENFORCEMENT by Clarence Kelley	40	67813 (L) ✓
CHILD ABUSE RECOGNITION AND INVESTIGATION by James Mead	45	67814 (L) ✓
THE IMPOSSIBILITY OF EXPLAINING CRIME by Bill Burnham	49	
POLICE ORGANIZATION AND CAREER DEVELOPMENT IN THE UNITED KINGDOM by Eric Bailey	52	67815 (L) ✓
THE ROLE OF A PROBATION SERVICE IN LONDON by Stanley Ratcliffe	59	67816 (L) ✓
WOMEN IN CRIME by Jane Roberts Chapman	63	67817 (L) ✓
THE DEVELOPMENT OF THE DANISH CRIMINAL JUSTICE SYSTEM IN THE 1970's by Ole Ingstrup	67	67818 (L) ✓
TESTING SOCIAL LEARNING THEORY WITH ADOLESCENT DEVIANCE by Ronald L. Akers	74	67819 (L) ✓

PUBLIC ADMINISTRATION: THE PEOPLE'S BUSINESS

J.D. Williams

My assignment this morning is to try to give you a picture of what makes people tick and how we pull them together in order to accomplish the goals of law enforcement, corrections, rehabilitation, and the whole gamut of things that are represented in this outstanding institute. In dealing with what some of the major authors, Abraham Maslow and Frederick Herzberg, et al., have to offer in management science, I only hope that you may be able to go back after this workshop is over and take a hard look at what we are doing to the fellow human beings we work with, and the Mickey Mouse jobs we may have placed them in. What care and concern are we showing the people we work with? How good is the communication that so infinitely improves the problem-solving capability of our agency? And is our style of leadership building or undermining our most important asset—the people who work in our agency?

The Older Approach of Theory X

We begin by contrasting two approaches to management which Douglas McGregor characterized as Theory X and Theory Y. An old yarn contrasts the two systems which managers use in getting people they work with to produce—the prison guards, sergeants, radio patrol dispatchers, the probation officers, the court administrators and on up to the very high administrative ranks directing prisons and rehabilitation centers. The story comes from Dr. Souryal's native country of Egypt. A man had gone there for a vacation and had planned a rather difficult trip into the northern reaches of the desert and had to have a camel with the endurance to handle the worst part of the safari—a five-day distance between oases. He went to the Hertz camel rental center in Cairo and made the negotiation for the animal that he needed. He stressed to Mr. Hertz that this baby had to be able to last for five days—no problem—they work out the deal. At the first oasis, the traveler watered the camel up to his capacity, threw the ropes around him, tied on the gear, and they were on their way. Two days into the critical five-day test, the camel dropped over dead. The expedition was ruined, and the traveler thumbed his way back into Cairo, back to the Hertz camel rental center to chew out the owner: "That camel didn't have a five-day capacity; he only lasted for two days." The renter stopped him and asked how the traveler had watered him. "Well, I watered him up to his capacity and then loaded him, and we were on our

way. And he only lasted for two days." The owner said, "Well, that was all wrong. You were supposed to load him to what you thought was his capacity and then take two coconuts and hit him in the rear and the camel would go UHUUUU and suck up the other three days worth." The traveler then said "Gosh, wouldn't that hurt?" And the owner said, "Yes, if you got your thumbs in the way."

What we have in the story is the technique that Fred Herzberg has called KITA, or (I apologize), a "kick in the ass." KITA (and Theory X) suggest that people in organizations have got to have authoritarian leadership in order to produce at full capacity.

The progenitor of Theory X was the 19th century founder of scientific management, Frederick Taylor. Taylor believed that people are simply grown-up children and are most productive when a simple task is designed to occupy their talent during a day. That assumption underlaid Taylor's effort to make a science for every job. To make a science for installing the right window of a Vega is not terribly complicated, and you can take a person of very low-grade intelligence and in about a week have him awfully good at installing right windows of Vegas. Down that road lies the Lordstown strike of 1971 in this country, one of the famous strikes of this decade because it was not over low pay, but rather boredom. The men and women of this generation will simply no longer put up with kindergartens at work.

Taylor argued, secondly, that work is a drudgery external to life; and thirdly, that in order to overcome that drudgery, all we have to do is pay people enough. Thus we see the central assumption of Theory X about the nature of humankind—and that is that economic motives come first. If I may make an aside, it has always been a shocker to me that a basic assumption of Marxism would crop up in these consultants to American capitalism, and that is that we are basically what we eat, and if we deal with economic needs we have dealt with the total person.

Do you recognize, and are you employing, a management style that calls for the design of jobs that will reflect very narrow task specialization? Examples might include limited case work, or a filing operation with no variety during the day, and under close supervision. I repeat; Are we treating our subordinates as grown-up children who can only master a couple of things and must have close supervision to keep them going? Close supervision is the outgrowth of two related principles of Theory

X—narrow spans of control and tight hierarchical authority. The writers of the 1930's talked about one supervisor never supervising more than six to eight people and that meant that people were **really** under the thumb of the supervisor. It also meant, as observers began to realize, that the close supervision spelled heavy insults to the self esteem of those workers.

Scientific management also suggested that managers were to do the thinking and workers the doing. Yours but to do or die, ours but to reason why—a Kiplingest kind of job segregation that made people below the level of top management simply mechanical appendages to other peoples' brains. I ask you, how much is lost when we conclude that the prison guards, the car patrols, and the first-year probation officers, really don't have any useful ideas and are not a resource worth tapping? How much do we lose?

Beyond that, Theory X suggests that managers should concentrate on output goals, not at all on human beings. Remember that one of the original assumptions held that if we are paying people on a bonus piece rate system, we are taking care of the only need that counts in the work place and that is their economic need. If we focus only on the output goals of the prison, half-way house, or rehabilitation center, and lose sight of the fact that the means to get those goals accomplished are our most priceless productive asset—the human beings that work in this enterprise—then we run the high risk of not seeing those goals fulfilled for very long.

The final suggestion of scientific management called for man-to-man competition under the piece rate system and the discouragement of informal work groups. Thus it substituted competition for cooperation and an atomized existence for a healthy group life.

What kind of a work force has the Theory X philosophy produced in America? According to recent research, it has produced a work force deeply alienated by powerlessness, meaninglessness, isolation and boredom.¹ It is a work place in which only 43% of the white collar workers and 24% of the blue collar workers would choose their same occupations again.

Theory Y and the Rediscovery of the Human Being

The thing that turns workers off, in my judgement, is not work itself but how we design it and how we manage workers.

The famous Hawthorne research project of the Western Electric Company, 1926-1932, provided the first evidence of that. The work of assembling telephones was laid out according to Theory X—the assembly line, with each woman doing a simple little task under close supervision.

Then five of these women were taken off the line into the experimental relay assembly test room. The amount of light was varied, the frequency and duration of rest periods, wall colors were changed—and in each instance, regardless of the direction of the change, productivity went up. Ultimately the Hawthorne researchers

¹HEW, *Work in America* (1973), pp 10-28.

conducting the study saw through what was happening. The physical changes were unimportant. What counted were the payoffs for the women's social and psychological needs: (1) their ability to function as a group, ending the isolation of the assembly line; and (2) their rising self-esteem as a result of management's obvious interest in them. Economic needs did not come first, but rather the needs to be accepted and to see oneself as important.

That research meant that we had turned the corner on the long detour down through which Theory X had led us. How far we had drifted from the ancient observation of the Greek Sophists that "Man is the measure of all things," or Alexander Pope's admonition in the 18th century that "The proper study of mankind is man."

Building on that breakthrough, a young industrial psychologist by the name of Abraham Maslow published a pioneering article in the *Psychological Journal* of 1943. He suggested that we come into life with a ladder of inborn needs, a ladder that most of us are going to climb a step or two, feel some frustration, and then begin to act in ways that may not be really healthy for other people to work with or healthy for ourselves.

At the bottom level is the pre-potent, driving need for physical satisfaction—food, sex, and elimination—to name three fairly important ones, plus pay.

With reasonable satisfaction of the physical needs, Maslow believed we would then begin to feel the pull of the next need level, the need for security. That must be a big one in your professions, never permanently satisfied for those who face danger more often than they do pay days.

The third step in Maslow's ladder is the love need. This one, without sexual implications, is one of very critical importance to healthy human beings. One of the reasons I think it's so critical is that the old bumper sticker was written for J.D. Williams—"Dirty old men need love, too"—and I suppose that I need it more than most. The question may readily come up, is the office any place to get the love need filled? I happen to work in an academic department where there is such an exceptional feeling of love and affection among people that it oftentimes provides a more supportive atmosphere than the one you are left at home.

This business about love at the work is not a reference to fun and games in the mimeograph room. I don't want you to misread me about that. It is not, "Here comes old fast hands again, so girls, let's gather around the typewriter" or something of the sort. I am talking rather about the last time when you so clearly broke your you-know-what for the good of that agency and to your astonishment, a dozen roses were at your house the next day and a note—"Susan, we couldn't have made it without you yesterday."

Or if cash makes better sense than roses, then say it with money . . . but say it. Does your agency have the options of federal agencies to grant one-shot sustained superior cash awards or double jumps up the merit system pay schedule for outstanding work? An unexpected \$350 added to a pay check for truly superior

performance is a powerful way to say thanks. Another way to manage praise (and show love) is through the grapevine: "Susan, you should have heard what the boss was saying about you in conference this morning; your ears should have burned with pride." A secretary returning from vacation finds a note stuck in her typewriter: "This carriage has only gone backwards since you've gone." Or more official communication channels can be used to the same effect: The unsolicited memorandum from your superior to the chief; "You should know that the success of that investigation turned primarily on the brains and endurance of one man, Deputy Clint Edwards."

These are ways to tell co-workers we love them. Now may I tell you once more how critically important it is that we do tell them and show them. I have four kids the oldest one of whom was badly burned in the drug scene. It's hard for me to stand and admit before a corrections workshop that that son was deeply involved in crime in connection with his drug habit, for which he spent some time in a half-way house (which was his salvation, by the way). I'll never forget the day driving Kirk Williams down town to sell a car of his because he had used it for crime. I had simply moved in, selling that automobile, so he wouldn't have it available to violate the law.

After both of us had lowered our voices, I asked him what I could have done differently in raising him. In a sentence I will never be able to purge from my soul, he replied: "Dad, you could have loved me. You could have loved me." I beg all of you to understand how desperately we all need love—that that third level of the Maslow ladder is the anchor for the healthy human being, the requisite jumping off point for the energized and creative employee. In my judgement, no one is going to have her act together if there are not steady expressions of love and good vibes from those that count in her work environment. To you tough managers of police stations and prisons, can you buy any of that?

The next level above love on the Maslow ladder, and so closely related to it, is self-esteem. "If others see me as an important person, then I must be worth something." That foundation of self-worth is absolutely critical to the final level Maslow talked about, the level of growth and accomplishment.

You can see the importance of self-esteem in a young man who doesn't have any—the very overweight fifteen-year-old whose favorite place on earth is a nearby amusement park. There is a "fun house" there with tricky mirrors that can cut him down to a sliver in a millisecond. But life cannot be spent in front of trick mirrors; it must be spent with what we have and what we are.

There is so much that managers can do to help people become whole. The way we show love for fellow workers, the letter of commendation, the nomination to attend this training conference, the invitation to lunch, the award for bravery presented at the Sheriff's Honors

Banquet are suggestions of what can be done to build self-esteem on the job.

Also a part of it is the need for every employee to be a member of a healthy working group—a clique, if you will. In that habitat we not only get our security needs met but also positive feedback for us as a person—good vibes from people who really care about us. Rather than fearing these informal organizations, the police chief, the guard supervisor should understand how important they are in building healthy human beings.

The whole foregoing analysis leads to the pinnacle of the Maslow ladder, the level of self-actualization. For me, getting people throughout our agencies to this takeoff point is the central goal of the public administrator.

What do these self-actualizers look like? Here a jury clerk who no longer needs close supervision; here a probation officer with almost as many creative ideas as her caseload; there a secretary who lives and breathes "the gospel of the second mile;" and here a warden who, if you gave him two extra hours a day, would spend them at work.

Maslow's portrait of these self-actualizers is really beautiful:

Comfortable with reality (no escapism), intrigued by the unknown (not spooked), capable of self-examination without guilt, unpeevish, full of spontaneity and individuality, striving for perfection, philosophical breadth, serene in the face of disappointments, comfortable alone or with others, alive and responsive, strongly committed to human brotherhood, deeply democratic, teachable, not religiously orthodox, inventive and creative, reasonable and thoroughly healthy spirits.

What would it be like to look at your organization chart and see people like that in every box—alive, self-motivated and accomplishing?

Getting people to that level requires two things: seeing to it that their lower-level needs are met (those needs for physical well being, security, love and self-esteem), and secondly, providing the challenge that will utilize the best talents they possess.

The corrections officer who learns how to accomplish all that is going to generate two things in his staff—exhaustion and exhilaration. Hear the Youth Bureau sergeant as she tells her husband about her day at work: "I'm absolutely worn out; absolutely drained. Yet it's strange—for I'm absolutely fulfilled. I never remember a job and a boss who expected, and got, every talent I possess. I really think I earned my pay today!"

No one said it better than John Gardner: "What could be more satisfying than to be engaged in work in which every capacity or talent one may have is needed, every lesson one may have learned is used, every value one cares about is furthered." That's not just using mechanical skills, or ten percent of your mind. It's being asked

instead to be creative about how to reduce that caseload, how to handle this difficult probationer, how to tackle the juvenile delinquency that is plaguing that eastside neighborhood, and how to restore a degree of peace to C Wing at the prison.

We lift people to the point of doing those things by (1) demanding the impossible of them, (2) giving them the confidence to bring it off, (3) providing them with the resources and enough autonomy to accomplish the task, and (4) then rewarding them appropriately when they come through.

The Specifics of Theory Y

On that Maslow foundation, a whole new management philosophy has arisen called Theory Y. In marked contrast to Theory X, it asserts that:

1. Over the long pull, human needs must be met before an agency's production needs can be met successfully.
2. Employees' psychological needs are as important as their economic needs.
3. People are gregarious—group life should be encouraged, not bucked.
4. People are capable of great things (have you given them a chance, yet?)
5. We must make work worthwhile, and
6. We need to build organizations that are full of trust, openness and commitment.

To do those things, Theory Y says to the police chief, organize the sub units of your department around as **large and significant purposes** as you can. Minimize an organizational structure where employees see only bits and pieces; maximize a structure where they can deal with whole problems and persons, and can see the impact they are having on law enforcement.

Secondly, make effective use of **informal organizations** to overcome some of the limitations bureaucracy imposes on our needs for recognition and responsibility. There are only two assistant chief positions in the police department, and only six division head slots—but 150 men and women in the department are upwardly-mobile. Think of the chances for recognition that await them as they begin to fill elective positions in the local chapter of the Texas Law Enforcement Association, the International Brotherhood of Police Officers, the department's bowling league, etc.

Third, employ a **democratic leadership style** which brings employees much more significantly into the decision-making process. This principle of Theory Y is begging for some humility on the part of the sheriff; that he doesn't know it all, that his deputies know a great deal, and that two things happen when he meaningfully solicits their views: (1) the brain power of the department is greatly expanded; and (2) their involvement will lead to increased commitment. Managers, how recently have you plumbed for ideas in the ranks?

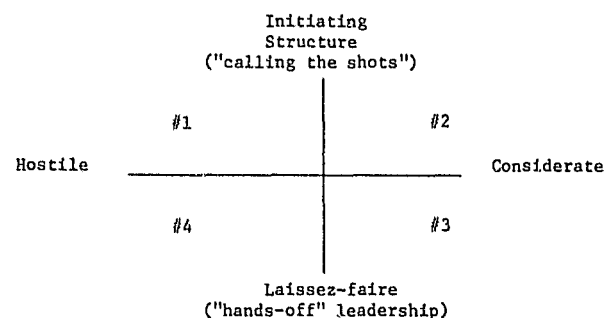
Fourth, do everything you can in the area of **job enrichment and job enlargement**. Hear Chris Argyris; "We must make work worthwhile." And hear Fred Herzberg; The **job itself** is one of the most important motivators we have.

Start with the most boring jobs in the prison, invite those who now occupy those jobs in analyzing how more could be made of those positions. Watch for opportunities to eliminate supervisory levels and make the job holders accountable for both quality control and innovation. Build a variety of duties into routine positions, using the modular assignment system: a couple of hours on the switchboard, two hours in records, two hours at the front counter, two hours inputting computer data. Then watch the enormous benefit to self-actualization that follows this kind of job redesign.*

Fifth, design training programs and on-the-job coaching to get supervisors to **concentrate first on people, then on output**. Get them to understand that administration is, above all, the business of people—and that agency needs are going to be best met as the needs of its employees are met.

Expose these supervisors to what the Ohio State researchers found out about successful leadership styles—the advantages of ending up in Quadrant #2 in this diagram.

The Ohio State Leadership Configuration



The Ohio State Leadership Configuration

In Quad #2 are the leaders who come through with deep concern for their team, and who still see to it that goals get defined and accomplished. I ask you, does that make any sense in a police department, a prison—or do you see Quad #1 as the only effective leadership style—very tough and very authoritarian? Let me just remind you that that is the leadership style which typically produces the highest grievance rates, absenteeism and turnover among staff.

*Read chapter 4 of HEW's **Work in America** (MIT Press, 1973) for a detailed treatment of this subject.

Sixth, Theory Y begs managers to keep a close eye on what we call the "intervening variables"—those underlying, not-so-obvious developments which inevitably affect output day after tomorrow. I'm talking about the quality of trust that prevails in an agency, whether deputies can open up with their chiefs (or simply clam up), how much absenteeism and turnover are occurring, and the level of commitment that exists within an agency. If we ignore those variables, we are ignoring what is happening to our most important asset, the people who staff our agency.

Seventh, supervisors ought to **demand the impossible of people**, literally pulling them up to self-actualization and giving them the confidence they can make it.

And finally, the wise administrator is going to spend time every day on the **administration of praise**. It represents, of course, the care and feeding of the love and self-esteem needs of workers. Praise, I've con-

cluded, is the mother's milk of healthy organizations. We all need a lot of it.

Summary

We have contrasted two management styles here this morning, Theory X and Theory Y. The first assumes that work is really external to life, and will be well performed only when duties are kept simple, authority is firm, and the pay is right.

Theory Y assumes that we are not what we eat, but have a whole range of needs to be met—economic, social and psychological. If properly organized, the work place can make a major contribution in meeting those needs. The ultimate goal of the Theory Y manager is to help lift his or her coworkers to the level of self-actualization—the take-off point for the creative, responsible conduct of the people's business.

67809

FAMILY VIOLENCE AND THE CRIMINAL JUSTICE SYSTEM

Barbara Star, Ph.D.

If you examined the homicide figures reported by the FBI you might wonder why we are even concerned about family violence. Their statistics show a steady decline in homicides among family members. In 1950 the FBI reported that approximately one-third of all homicides occurred between family members; in 1975 only 27 percent of the murder victims were related to the offenders. That looks promising, almost civilized. But figures can be deceiving. In 1950 the total number of homicides committed in the United States was 8500; in 1975 that number was over 20,000. That means approximately 2800 people were killed by a relative in 1950 compared with more than 5500 in 1975. So, while the statistics are down, the body count is up.

In general, violence is much more likely to occur among people who know each other than among strangers. A survey of victim-offender relationships for serious crimes in 17 major U.S. cities showed that the more violent the crime the greater the likelihood the victim and offender were acquainted. Strangers committed approximately 85 percent of the unarmed robberies and 78 percent of the armed robberies but were only involved in the commission of 20 percent of the aggravated assaults and 15 percent of the homicides.

Many times we are unaware of the full extent of family violence because local news media will not always report it. Last summer, for example, while traveling in the East and South, I read in the newspapers about:

- parents in New England who dumped the body of their dead child in a trash can;
- an elderly man in Florida who was severely beaten by his adult daughter;
- a woman in Utah who jumped to her death from the balcony of a hotel, forcing her seven children to jump also;
- a man in New York who brutally battered his fiancé before killing her;
- a woman in California who killed her husband after she had suffered many years of physical abuse;
- a man in Texas who kept his children chained up in the back yard, not feeding them and beating them if they cried; and
- a 15 year old from Massachusetts who shot his mother, father, and sister with the .22 caliber rifle his parents had given him for Christmas.

Must be the summer heat, I thought. Because I

certainly had never seen so many family violence stories in the Los Angeles newspapers. When I returned home to California I made it a point to check the local newspapers for the same period to see how they had handled those stories. I was amazed to find that they had only reported two of them.

Forms of Family Violence

Family violence means the threat or actual use of physical force to one or more members of the person's nuclear or extended family. That can include self-inflicted violence as in murder-suicide cases. Sometimes the terms "violence" and "abuse" are used interchangeably. However, the word abuse carries the broader meaning. It signifies misuse or maltreatment, whereas violence focuses on physical force.

Until recently family violence was synonymous with child abuse. But in the past few years other forms of violence in the family have come into prominence and now there are three broad categories of family violence: assaults against children, spousal assaults, and sexual assaults.

In 1977, 509 children under the age of five were victims of homicide, most of those committed by a family member. Injuries inflicted by a parent or guardian is believed to constitute one of the major causes of death among children under the age of five. Current estimates place the yearly rate of child assaults between 250,000 to one million cases.

According to an LEAA survey, more than a million incidents of spouse abuse occurred during the two-year period from 1973 to 1975. However, another survey based on a representative national sample suggests that a more realistic rate places the number of serious physical assaults between husband and wife at six to seven million incidents annually.

Sexual assaults within the family are not confined to incest and child molestation, they include spousal rape also. There are approximately 5,000 cases of incest reported annually but some people believe that incest actually constitutes ten percent of the 200-300 thousand estimated incidents of child molestation that occur each year. Forced sexual relations within marriage attained national recognition with the Rideout case in Oregon. Only a few states have developed laws that acknowledge a type of assault which is thought to affect over half-a-million women annually.

Some forms of family violence are only beginning to gain public attention. One of these is sibling violence, the injuries brothers and sisters inflict on each other. One woman recently told me of her terror at being left alone with her brother when they were children because he would use those opportunities to grab her and hit her on the face and arms with the telephone receiver. Another form of violence is parent battering. A growing number of incidents involving adolescents who are hitting or threatening their parents are being reported to police and social service agencies. The elderly are not immune from family violence either. As the wonders of medical technology prolong human life, the number of granny-bashing cases (as the English call it) increases. Middle-aged adults who find the added burden of caring for their elderly parents overwhelming resort to physical abuse as one means of insuring compliance.

Most cases of family violence illustrate what I call confined abuse. That is, one family member consistently serves as the target for the violence. One woman reported, "He beat me as often as twice a day, but never once has he laid a hand on the children." Sometimes, however, global abuse occurs; the assaults are directed at several or even all of the family members. And, in some cases, the abuse is multiple because it involves both sexual and physical assaults. For example, I was called in as an expert witness in the case of a woman who shot her husband after having withstood many years of physical abuse from him. On several occasions the man had tried to force his wife to engage in aberrant sexual behavior, including having her mounted by a dog. And, during the year prior to the shooting, he had also initiated sexual contact with his 12 year old daughter. There are times when the abuse of one family member starts a chain reaction within the family hierarchy. A husband hits his wife and the wife, who feels unable to retaliate or to defend herself, vents her anger by beating the children.

The Nature of Family Violence

My interviews with people who are victims of violence, conversations with people who work with the victims and the assaulters in family violence situations, and my own research into various aspects of family violence suggest that there are characteristics which apply to all forms of violence. For instance, violent episodes are not all of the same severity. They can occur on a continuum ranging from mild to fatal. Mild abuse, such as shoving or pushing, may not leave any marks; moderate abuse produces cuts and bruises; severe abuse results in broken bones, extensive bruising, and/or major lacerations; and at the end of the continuum is death.

Another characteristic is that violence increases in frequency and intensity. Rarely is violence a one-time occurrence. It grows worse over time. The violence that erupted once a year may escalate to once a month; the open-handed slap may become a closed-fist punch.

It requires less and less to trigger an assaultive incident. Long, heated arguments that once were necessary before participants came to blows, dwindle to a few central cues, such as a look or a tone of voice. Eventually, very minor incidents are sufficient to provoke major flare-ups. The child who is a few minutes late for dinner or the wife who forgets to turn off the air conditioner run the risks of incurring severe punishment.

Each violent episode further erodes the assaulter's mechanisms of internal control. We all have, to some extent, reality testing mechanisms that help us to understand the consequences of our behavior and to inhibit destructive behavior. Among assaulters, those inner controls are weakened over time. Abusers become more and more dependent on the external control mechanisms applied by others to stop the assaultive behavior. In some cases the mere presence of other people, e.g., the police, is enough to restrain the assaulter; in other cases that restraint may have to be physical.

A fifth characteristic is that emotional abuse usually accompanies the physical abuse. The emotional abuse takes the form of swearing and derogatory remarks that assaulters direct toward their victims. Victims are made to feel worthless and inept. They constantly hear how stupid, ugly, or clumsy they are. The consequences of the emotional abuse can be more far-reaching than the physical assault.

Finally, it seems that the use of alcohol increases the risk of injury. Although alcohol use is frequently associated with violent behavior, it is not always a factor in family violence conflicts. However, when assaulters do drink, they are more likely to act out on their impulses and also to use greater force in the commission of a violent act. The greater the force, the higher the probability of injury.

Characteristics of Abusive Relationships

Probably the one element discovered most often within family relationships that contain violence is control. Assaulters are able to maintain power by regulating the behaviors of family members. They give orders and expect immediate compliance. Control is also reflected in the possessive and jealous attitude that assaulters exhibit toward victims. Victims are made to account for their time and to report their activities. Intimidation and violence serve to maintain control by instilling fear in family members.

Following an act of physical abuse, assaulters typically devise ways to externalize the blame for their behavior. They place the blame outside of themselves and very often accuse family members of causing the violent episode. "It's all your fault," they claim. "You made me get angry. If you didn't argue with me I wouldn't have to hit anyone." Abusive behavior is rationalized on the basis of stress, alcohol, fatigue, illness, or provocation. By accepting those reasons, family members allow

assaulters to avoid "owning" their behavior and the consequences of their actions.

Displacement of anger is another common occurrence in abusive relationships. Assaulters shift to one or more family members their anger toward others. Because it is less subject to censure, assaulters inappropriately use family members as a safe dumping ground for pent-up anger and resentments related to current or past events and relationships. For example, a child who bears a close resemblance to the husband who deserted the family is selected as the target for battering. Or, a man takes out the frustrations of his work day by finding fault with his wife's housekeeping.

Few people like to admit the existence of problems within themselves or their families. Consequently, both victims and assaulters tend to deny or play down the seriousness of the abuse. The denial becomes a shared family secret. If they can convince themselves that nothing is really wrong then they don't have to seek help, or change, or terminate the relationship. Relationships are very complex and no matter how simple we make it legally, people do not end relationships easily. People would rather pretend the problem was minor than initiate a change procedure.

Another outstanding feature is the presence of guilt within violent families, especially among the victims. Most victims feel in some way responsible for causing the problems that occur in the family. They believe that their behavior might have provoked the abuse. "If only I hadn't argued," they think. Or, "If only I had done it right." Or, among incest victims, "I must have acted seductively." Their willingness to assume the blame makes it easy for the assaulters to justify the abusive behavior.

Families in which violence occurs typically hold few friendship ties or community involvements. The factor of social isolation means that there is no support system for the family to count on, no one available to help during times of stress. And, more importantly, there is no feedback from others that helps the family determine the uniqueness or seriousness of their situation. Because they have no other standard by which to judge, many people grow up believing that violence is common in all families. They are also unable to evaluate when to consider escape or when to seek outside assistance.

Dealing With Family Violence

The criminal justice system plays the largest and, in the minds of many, the most important role in dealing with the problems created by family violence. People look to the courts and the police as both the source of protection and of retribution. By its actions, the criminal justice system not only reflects the prevailing community attitudes about a particular issue, but also sets the tone concerning its importance.

One of the biggest charges leveled against the criminal justice system has been its apparent lack of concern about intrafamilial conflicts. Even if no laws were

written that pertained exclusively to family violence, physical abuse among family members would qualify under the assault, battery, and homicide laws that already exist in every state. Yet, police are reluctant to arrest, attorneys are reluctant to prosecute, and judges are reluctant to sentence. Their hesitation stems from a combination of attitudes and experiences that led to the beliefs that family disputes are private affairs, that family fights are merely "spats" and are not to be taken seriously, that assailants are not criminals, and that victims (especially adults) are not cooperative. Regardless of the basis for the development of such attitudes, the public is left with the message that in theory everyone is equal under the law, but in reality some people are more equal than others. And, sometimes, certain people are exempt either from protection or from punishment.

Counteracting those attitudes requires changes from many sources, not only from within, but also outside of the criminal justice system. Some ideas that might facilitate change include the following:

1. Develop in-service training programs. Emphasize content that offers a broad-based perspective for recognizing the signs of abuse, for understanding the complexities of family relationships, for evaluating the seriousness of the situation, and for learning how criminal justice systems in other communities deal with the problem.
2. Another suggestion arises from my limited (and perhaps, distorted) contacts with the various disciplines that comprise the criminal justice system. Sometimes it seems that there is much more internal conflict than harmony between the groups. I have heard police officers say, "What's the sense of making an arrest, I know the DA's office will never prosecute because they won't think the victim's injuries are serious enough." And, I have heard attorneys say, "What's the sense of prosecuting the case, the judge will probably only levy a fine." It is very frustrating and discouraging to deal with situations if you believe that none of your efforts will make a difference on the outcome. Internal harmony is vital to provide the incentive necessary to move toward the desired change.
3. Provide the victims with emotional support. Most victims are frightened of the criminal process. They do not know what to expect. They feel ambivalent about the assailant and guilty about the possibility of sending a loved one to jail. They need someone who can be available to help them understand the steps in the process, someone to whom they can talk and from whom they can receive reassurance. Giving that type of support might increase the conviction rate as more victims were encouraged to appear in court.
4. Set up a separate unit for hearing family violence cases. The hearing officers and attorneys connected with these units would receive special training about family violence situations. This training would enable them to determine fairly quickly whether the case should be treated as a criminal matter, be diverted, be dealt with

through a civil process, or be handled by conciliation methods.

5. If prosecution is warranted, then do so whether or not the victim agrees to appear in court. One of the biggest problems faced by law enforcement personnel is the reluctance of adult victims to appear in court once charges have been filed. If they refuse to appear the charges are usually dropped. But, if the evidence, e.g., bruises, hospital treatment, weapons, witnesses, is strong enough to be presented in court, then some of the same evidence can be presented through pictures if the witness refuses to be present. The prosecutor's office should be able to act on behalf of adult victims in much the same way it does for children. That policy has been adopted by the City Attorney's office in Los Angeles and resulted in more adult victims appearing in court as they realized that they had the support of the prosecutor's office and that the charges would not be dropped.

6. Give judges alternatives. At a recent in-service training session for judges, the judges told me they were willing to try new ways of dealing with the problems of family violence, but that they felt restricted by limited options. There was not much choice beyond prison, probation, or freedom. Judges really do need more alternatives and the people who are in the broader segments of the criminal justice system are in a perfect position to suggest those alternatives. Over time we should have a range of options available that can be applied differentially, depending on the needs of the specific case situation.

7. Educate the public. The general public holds very unrealistic ideas about the power and resources of the criminal justice system. Most people assume that police and judges have unlimited, almost magical, powers to stop violence. They are unaware of the laws and

procedures that govern law enforcement personnel and the adjudication process. The public needs information about its own roles and responsibilities in family violence situations as well as clarification about the function and limits of the criminal justice system.

8. Develop a support network in the community. Sometimes the criminal justice system is isolated from other services in the community which makes it easy for community agencies to turn the police and the courts into scapegoats. The criminal justice system often serves as the favorite dumping ground for handling unpopular issues. By developing a linkage of support services made up of agencies and individuals who can offer some type of direct service to victims or assaulters, it removes the onus from any one service to shoulder the brunt of the problem.

9. Demand supportive legislation. The criminal justice system is only as strong as the laws that govern it. Fight for legislation that identifies and reports all forms of family violence, offers the victims easier access to the legal system, and results in serious consequences to the assaulters.

10. Finally, no change will ever take place unless there is a firm conviction that family violence is unacceptable behavior. Sweden recently passed legislation banning all forms of violence among family members. Massachusetts has enacted legislation that prohibits family violence. But even the best legislation is only as good as the dedication of the people who implement it. People working in the criminal justice field can, and should, play a major role in establishing new baselines of acceptable behavior among family members. Ultimately, those efforts will raise the quality of life for all our citizens.

67810

TERRORISM: AN EXAMINATION OF THE PROBLEM

J.D. Bailey

Terrorism entered a new and more acute phase of activity some years ago, but it is by no means a new phenomenon. This presentation can be more usefully devoted to the manifestations and situations facing us today rather than the dynamite explosions and assassinations of the french anarchists in the 1890's or the outrages of their spanish counterparts. So, let's concentrate on the period from 1944 to the present.

To avoid confusion, which is widespread throughout our country and the contemporary press, let me define terrorism as "a politically motivated violence, usually undertaken by small groups or individuals against an existing authority or government." Terror, for purposes of this presentation, we will define as "the use of measures of extreme repression by any state with the object of enforcing obedience and discouraging any form of rebellion."

Why choose the year of 1944 to begin with? The choice is not arbitrary for contemporary consideration. This was the year that the Jewish terrorism against the British Empire began in Palestine. At that time the Irgun Zvai Leumi and the Stern Gang were involved. Neither should be confused with the Haganah, which was — and is — the Jewish home defense force founded in Palestine in 1917. Both organizations were breakaway fractions of the Haganah. The Irgun had a secret command and between 3,000 and 5,000 members. The Stern Gang, originating as an offshoot from within the Irgun, was smaller (with 200 to 300 members), and more ruthless and fanatical. Today, when we are faced with the current problems with the Palestinians, the relevance of Zionist terrorism 30 years ago is all but inescapable.

A brief discussion of the purposes of the Jewish Agency is appropriate at this time. The purposes of the Agency were (1) to support the Balfour Declaration of 1917 and The League of Nations Mandate of 1922, which framed the guidelines for the establishment of a Jewish national home in Palestine, and (2) to fight the British White Paper of May, 1939, which, in effect, invalidated the mandate by placing restrictions upon Jewish immigration to Palestine. The Jewish Agency then pursued these objectives by both diplomatic and military means. We will not concern ourselves here with that part which the Haganah played in the military campaign. However, it would be fair to say the Haganah's efforts were directed against British policy as opposed to British nationals.

The Irgun Zvai Leumi and the Stern Gang made no such distinction. The Stern Gang achieved great notoriety with the murders of Lord Moyne, the British Minister Resident, in Cairo, Egypt, on November 6, 1944; and of Count Bernadotte, the United Nations mediator, in the city of Jerusalem on September 17, 1948. The Irgun preferred more spectacular mass outrages, one of such being the blowing up of the Palestine Administration Headquarters of the British Government in the King David Hotel in Jerusalem on July 22, 1946.

Other terrorist acts against the British Administration were also perpetrated. Trains were derailed and robbed; Royal Air Force camps, Army and Government establishments were brought under attack; police officers and Army personnel were kidnapped. Of the many incidents, the one that most shocked the British public opinion was the hanging of two British army sergeants in Palestine in July, 1947.

During this time, the relations between the Irgun and the Stern Gang on one side and the Haganah on the other, went through three distinct phases: cooperation, mutual antagonism, and, again, cooperation. In the first phase the Haganah maintained silence concerning the King David Hotel outrage. This inspired the Jewish Agency leader at that time, Ben Gurion, who was in exile in Paris, to remove the extremist, Doctor Sneh, from the control of the Haganah. Thereafter, and in retaliation, the Irgun threatened to shoot any Haganah member who betrayed them. Finally, a form of cooperation between the Haganah and the two terrorist organizations was resumed in December, 1947, after months of intensified terrorist activity.

Two observations are appropriate at this time in relation to Jewish terrorism during this period. The first is that it was successful. This was demonstrated when the British Government announced its decision to give up the mandate on December 11, 1947. This decision was specifically attributed to increasingly active and costly military commitments as the situation deteriorated because of lawlessness, terrorism, and non-cooperation by the Jewish community with the government. The second observation is that in the Jewish community of Palestine, it was unnecessary for the terrorists to coerce persons on their own side, whether by torture or by death, in spite of the threats to do so. The period of non-cooperation between the two terrorist groups and the Haganah never culminated in a campaign to exterminate any of the terrorists, and the "fish and

water" metaphor of Mao Tse-Tung was specifically valid. When it became too expensive for the British Government to continue in Palestine, terrorism finally had a form of victory. However, this indicated victory did not amount to the overthrow of a duly constituted government by any form of terrorism.

Terrorism has relatively few, rare political successes. One of these successes came in July of 1954 when the British made a decision to withdraw from the Suez Canal Zone. The decision was taken after a prolonged, though sporadic, outbreak of terrorism against British personnel, which Sir Winston Churchill described as "a kind of guerrilla war." Various reasons were given for the withdrawal, but there can be no doubt that the government had yielded to terrorism. It is an interesting observation that in Egypt, as in Palestine, what terrorism had done was to raise spectacularly the cost of existing policy. In cases such as this, when the interest concerned cannot be described as vital, capitulation is a likely outcome of a terrorist campaign. Again, the terrorists could count on the support of the community in which they operated and on the Egyptian Government. Any such support would appear to be a necessary condition of success on the terrorist side, except that technology now at disposal of terrorists may have changed the balance of probabilities.

Terrorism and revolutionary war are closely associated in some cases. We have seen that apart from popular support and eventual success, Jewish terrorism in Palestine and Egyptian terrorism in the Canal Zone had this in common: that they were, in a sense, sufficient and to themselves. While it is true that these terrorist campaigns were accompanied and supported by diplomatic action, acts of logistical assistance, and, in the case of Egypt, government aid, it was essentially terrorism that brought success in those areas. In neither case could the terrorist's campaign be viewed as a minor part of the politico-military scheme. The 1940's and 1950's brought examples of a new revolutionary strategy in which terrorism was seen as a necessary phase. This strategy, labeled as "people's revolutionary war," was of Sino-Vietnamese origin. The outstanding theorists of revolutionary war were Mao Tse-Tung and two Vietnamese, General Vo Nguyen Giap and Truong Chinh. We will concern ourselves here with the practice — as opposed to the theory — of revolutionary war since within the theoretical works of its various exponents there is no specific mention of the need for terrorism. During China's war and the ensuing civil war, the communist side exhibited little need for terrorism because of the favorable circumstances of the past Japanese invasion, corruption, and ineptitude in the ranks of the Kuomintang.

In contrast, both Indochina wars against the French and against the United States were marked by prolonged periods of terrorism on the communist side. This has been an important feature of other revolutionary wars, whether or not they were particularly successful. Essentially, revolutionary war goes through four phases: (1)

the creation of a clandestine, subversive apparatus; (2) terrorism, whether rural or urban; (3) war; and (4) the "concerted final revolutionary offensive." In practice, the final offensive may never materialize. This offensive did materialize in both Indochina wars and in Algeria while in most other places it remained a theoretical possibility but failed to come about because of successful counteraction on the side of the authorities. We must consider the importance of distinguishing between terrorism as a phase in a strategic revolutionary process, and the kind of terrorism that has become transnational during our current period of time in which violence becomes an end in itself without any definable ultimate objective.

In the Indochina wars and in Algeria, two distinct kinds of terrorism may be seen. They have been called both disruptive and coercive. The names are less important than the techniques or objectives that they describe. Disruptive terrorism is aimed at discrediting and demoralizing the authorities by demonstrating that terrorists can operate at will and that security forces are powerless.

Terrorism which is coercive instills fear of the revolutionary movement among the population and brings about or forces obedience to the leadership of the movement, often by killing selected victims. The Viet Minh in the first Indochina war and the Viet Cong in the second used both forms extensively. Features in both of these wars were the systematic murders of government officials, especially in the villages, and the torturing and killing of any recalcitrants or their families. This was accomplished notably by disemboweling. The same tactics were applied during the Algerian War in which the FLN devoted as much cruelty and energy to torturing or massacring members of the rival, MNA, as to killing French soldiers or officials.

The two Indochina wars and the Algerian war are grouped together because in all three the terrorist side achieved some form of victory in the end. It would be misleading to suggest remotely that terrorism in itself was more than an auxiliary instrument of victory. Terrorism in Algeria was remarkably successful in the long term in eliminating rival nationalists, in enforcing the obedience of the people, and in gaining the active support of a much divided moslem community which had undoubtedly included many supporters of the French administration. While this was important, it was not in itself decisive. In theoretical terms, in both Indochina wars there was a "final offensive" — marked by the capture of the Dien Bien Phu in 1954 and the fall of Saigon in March, 1975. The French defeat in 1954 could not be ascribed primarily to military defeat since the bulk of the French expeditionary force remained intact. In Vietnam in 1975, the military defeat did indeed overtake the defenders of South Vietnam, but only after the withdrawal of American protectors and when congressional opposition had denied the necessary support to continue, including ammunition. In the Algerian War, no final offensive ever took place. French

forces had long established their absolute superiority. The army of national liberation, having sought refuge in Tunisian and Moroccan territory, was ineffective. The French conceded independence because of frustrations to General De Gaulle's higher political strategy. In all three conflicts the major part was played by political agitation within the metropolitan power and with the mobilization of the enormous propaganda apparatus of the international communist movement and de facto support of the revolutionary groups of the new left. An important factor missing during the first Indochina war was brought into play during the Second. This was television coverage. This brought every American or South Vietnamese "atrocities" into every American home without a corresponding coverage of communist atrocities.

Examples of revolutionary success must be carefully measured against the far more numerous failures of terrorism, whether or not as phases in a revolutionary war. The belief is widely held in government circles that the insurgencies in South and East Asia, launched almost simultaneously in various countries in 1948, were initiated by the Communist Party of the Soviet Union (CPSU) under the special supervision of Zhdanov. Although these outbreaks varied enormously in duration, they were all in the end uniformly unsuccessful. In Indonesia it was a matter of weeks. In Malaya, the emergency lasted from 1948 to 1962. In India, the Telengana Revolutionaries were quickly defeated. In the Philippines, it was not until September, 1954, that President Magsausai and his able American advisors forced the surrender of the Hukbalahaps leader, Luis Taruc. There were problems in Burma. White Flag communist insurgents, who were initially hard Moscow-line but later under Chinese control were not alone in the field and had much competition from various ethnic or political groups. Insurgency became a way of life. It still has not been eradicated. These outbreaks were marked by terrorism, and in none did it prove possible for the revolutionaries to proceed beyond the guerrilla phase. No analysis is attempted into the causes of these generalized failures beyond the point that in all cases terrorism showed itself to be initially a major disruptive force but insufficient on its own to bring victory.

The same observations can generally be made of the Chinese-supported terrorism in ex-French Cameroun in the 1960's and of the Mau-Mau challenge to British rule in Kenya in the 1950's. Africans who did not happen to share the aims of the UPC or Mau-Mau were the main sufferers from terrorist atrocities. The collapse of Portuguese rule in Africa has brought striking successes for the strategy of revolutionary war. In Angola and Guiana the rebellions began in 1961 with the massacres of Europeans in both territories and later in Mozambique where the difficulties began in 1964. The principal sufferers of torture, abduction, and murder were Africans. The Portuguese collapse was due neither to terrorism nor to military defeat. The terrorists or guerrillas enjoyed the advantage of sanctuaries in

neighboring independent countries; as an example, Zaire for Angola; Zambia and Tanzania for Mozambique; and The Republic of Guiana for Guiana-Bissau. The winning guerrilla movements in these countries were supplied with sophisticated modern weapons and the terrorist personnel were trained by Russians, Chinese, Cubans, and various East Europeans. Attrition took its toll as did rising expenditures. Faced with the prospect of interminable wars, discontented officers formed themselves into armed forces movement, which removed the Caetano government on April 25, 1974. Thereafter, revolutionary regimes in all three territories was a foregone conclusion. Only in Angola was the supremacy of the Marxist movement contested by other groups. The delivery of modern Soviet weapons on a massive scale and the arrival of some 12,000 Cuban troops at Russia's direction gave the MPLA an easy victory in the absence of countervailing assistance to opposing groups.

Just a few words on the Latin American model of terrorism. After Fidel Castro's ascent to power, Cuba became a major exporter of revolution, including terrorism, especially to other Latin American countries and also to the Belgian Congo and other African territories. You may recall the Peruvian Trotskyist Hugo Blanco who launched his campaign with Cuban support at the end of 1962. He was arrested with most of his followers. The leaders of the Peruvian movement of the revolutionary left who launched a fresh wave of violence in the Andes east of Lima in mid-1965 were trained in Cuba. In Venezuela the FALN were armed and trained in Cuba. The Cubans associated themselves with terrorists under the leadership of Pedro Antonio Marin of Colombia who had hundreds of murders to his credit.

A Cuban theory of instant revolution was expressed in a much quoted sentence in the work of the Argentine-born Ernesto "Che" Guevara: "It is not necessary to wait until all conditions for making revolution exist; the insurrection can create them." In fairness, Guevara was against indiscriminate terrorism. He did counsel and plan selective assassination. In an attempt to practice what he had preached, he tried to spark off an insurrection in Bolivia and met with both failure and death.

A more important influence than "Che" was that of the Brazilian terrorist Carlos Marighella with his **Mini-Manual of the Urban Guerrilla**. Marighella's strategy was essentially Maoist. He advocated a phase of urban terrorism with the object of provoking an excessive reaction on the part of authorities. This, supposedly would alienate moderate opinion which would then rally to his support. For his pains, he was killed in a street ambush and his urban guerrillas were destroyed. The Tupamoros in Uruguay and other groups practiced similar tactics initially and for some years with far greater success. During a four-year period the Tupamoros claimed to be the world's most successful terrorists, kidnapping officials or foreign diplomats, robbing banks, escaping (if captured), etc. Between April and August,

1971, President Juan Maria Bordaberry broke the Tupamoros' movement by proclaiming a "state of internal war" and giving the army and police complete freedom in their choice of methods to combat terrorism, which included torture.

The terrorism of the Marighella variety has proved as unsuccessful as the "Che" Guevara's milder prescriptions; however, there are no indications of an end to the wave of terrorism in Argentina or other nations at this time.

Now, let's talk about transnational terrorism. During the 1970's terrorism has increased quantitatively and changed qualitatively. Perhaps Marighella of Brazil marks the change from the old terrorism to the new in his *Mini-Manual of the Urban Guerrilla*, which has been correctly described as "perhaps the most important single text for terrorists today." Although the euphemistic urban guerrilla has passed into the language, the underlying reality of urban terrorism is not new. There is nothing particularly original about Marighella strategy which borrows from Maoism and Guevarism and gives them a little modern twist. His book has become more influential by far than Guevara's *Guerrilla War* because it offers practical advice about weapons, explosives, and organization to ideologically susceptible young people. The distinguishing characteristic of the new wave of terrorism — as compared with the individual outbreaks in the past — is that it is transnational.

Transnational terrorism is an international problem, since by definition it transcends national boundaries. A prime example of this phenomenon is the massacre at Lod Airport in May of 1972. The terrorists belonged to the Japanese Red Army or the Rengo Segikun. They were trained in North Korea. They received money and economic support in West Germany, arms in Italy, and training in Syria and Lebanon. The attack on Lod was made on behalf of the Popular Front for the Liberation of Palestine (PFLP).

Terrorism threatens innocent people, as never before, who are in no way parties to whatever dispute or grievance which motivates terrorists, unless the all-embracing nature of the terrorist motivation can be accepted at face value. The majority of terrorist groups today claim that they are at war with abstractions such as "capitalism" and "imperialism." Generally, most hostages kidnapped by terrorists lack even a remote connection with any terrorist cause. Passengers on a hijacked airliner are likely to be no more than ordinary people going about their non-political pursuits in peaceful innocence. It is of little consequence that their lives may be placed at risk to further some remote cause.

Another little understood characteristic of terrorism over the past few years is that terrorism has become an end in itself and a way of life to those who practice it. Regardless of initial political motivation or persuasion, which was Marxist in a rather confused way, the terrorists of the Baader-Meinhof Gang (Red Army Group) in the Federal Republic of Germany seemed to have discovered that killing or kidnapping people or

robbing banks constituted a more exciting life than any regular job at set times in an office or factory.

It is highly probable that the same principle motivates members of the successful terrorist groups that make Argentina and Italy some of the worst cases of the kind in world history today. In Argentina, exploits of the terrorists in such groups as the ERP and the Montoneros have become a lucrative as well as an exciting way of life, with astronomical ransoms being extorted from business companies and habitually paid without question. At this level, political terrorism ceases to be easily distinguished from ordinary organized crime. In France and in Italy the technique of abduction for monetary gain has been successfully adopted by purely criminal elements.

We could hardly go so far as to blame the new waves of terrorism on technological advances, but we may observe that these advances have made transnational terrorism possible. Consider the speed and frequency of jet travel which facilitates contacts between terrorist groups as well as worldwide communications networks. Terrorists can plot in a distant country, enter the target country, and make a hasty departure after executing their mission. International conspiracy is made easier and swifter by self-dialing international telephone services. Letter bombs were eventually made possible by the miniaturization of detonating devices. Television is a more potent means for the dissemination of terrorist techniques than the radio could ever be. It tends to work to the advantage of the terrorist and to the detriment of the authorities. The practice of interviewing terrorists on television not only brings unpaid publicity to the terrorists' side but also lends a glamorizing function. We have seen how the alleged brutalities and atrocities on a government's side tend to be recorded while those acts of coercive terrorism are not shown. No television teams were on hand to record the disemboweling of pregnant women in Vietnamese villages, nor is the IRA's kneecapping, tarring and feathering of recalcitrants given any television exposure.

The world has arrived at the time when other forms of technology or scientific advancement lend themselves to terrorist exploitation. The "homemade" atomic bomb is now technically possible. Highly toxic nuclear material can be, and has been, stolen. Biological and chemical warfare are within the capabilities of terrorist groups.

Consider just for a moment the diversity of motivation in terrorist groups. In any attempt to classify terrorist groups, there is bound to be some overlapping. The case in point would be a nationalist group which may also be Marxist, as is the case of the official IRA, the Basque ETA, the "V" Assembly, and the Palestinian PFLP. A review of the chapter on terrorism in the ISC's 1975 publication entitled *New Dimensions of Security in Europe* defines six terrorist categories. They are:

(1) **MINORITY NATIONALIST GROUPS.** Such groups would consist of both wings of the IRA, the Basque ETA, and the Palestinian El Fatah, etc.

(2) **MARXIST REVOLUTIONARY GROUPS.** These groups consist of some Moscow-line communist parties

and Trotskyist, Maoist, and Guevaraist groups in various countries.

(3) **ANARCHIST GROUPS.** These groups consist of organizations such as the MIL in Spain and the defunct Angry Brigade in the United Kingdom.

(4) **PATHOLOGICAL GROUPS OR INDIVIDUALS.** These would be groups such as the former Weathermen, now the New World Liberation Front, or the Symbionese Liberation Army in the United States, etc.

(5) **NEOFASCIST AND EXTREME RIGHT-WING GROUPS.** These groups consist of organizations such as the Avanguardia Nazionale, the Ordine Nuovo, the Rosa Dei Venti, and the Red Brigade in Italy; or, the Escudaro da Morte Group in Brazil, and others, etc.

(6) **IDEOLOGICAL MERCENARIES.** A good individual example of a mercenary would be that of Illich Ramirez Sanchez, the Venezuela terrorist, popularly known throughout the world as "the jackel", who appears to have offered his services as a gunman, organizer, and planner for the Palestinians. Also, the most extreme wing of the often supposed moderate El Fatah organization, known as "Black September," has carried out murders, abductions, and even drug running in return for money. In several cases, these acts were accomplished at the request of Middle Eastern governments. If the term "mercenaries" is applied in its widest sense, then it would include an ideological as well as a monetary attraction, and this group would include the Japanese Red Army.

Let's briefly touch upon sources of support for terrorist organizations. Countries that provide, or have provided, assistance to subversive elements or terrorist groups in other countries in the past as well as the present have been labeled as subversive centers. By this definition, the greatest subversive center in the world would then be the U.S.S.R., which is actively supported by certain East European countries such as East Germany, Bulgaria, Czechoslovakia, and Romania. The Chinese Peoples Republic is also involved in support of groups in South and East Asia, The Middle East, and Africa. North Vietnam was involved throughout the two Indochina wars in fostering subversive groups in Laos and Cambodia, as well as South Vietnam, and is still involved in supporting terrorism in Thailand. North Korea has supported terrorist groups as far afield as Mexico and Chile. Cuban support on behalf of the Soviet Union has gone to most countries in Latin America, Puerto Rico, the United States, and various countries in Africa and The Middle East. From time to time, many of the communist countries mentioned above have found themselves in direct rivalry in the support of terrorism. An example would be that of the dissension between the U.S.S.R. and China.

The activities of the Soviet Union in the terrorist area are so great as to demand further attention. For a good many years the Russians have provided systematic training for terrorists in two distinct streams. Members

of the orthodox, Moscow-line communist parties are funneled through the Lenin Institute in Moscow which is under the direct control of the central committee of the Soviet Communist Party (CPSU). On the other hand, there is a national liberation feed of "freedom fighters" mainly from Third World countries. These personnel are processed through the Patrice Lumumba Friendship University in Moscow and sent on to specialized training courses in sabotage, assassination, the use of explosives, and other areas of expertise required for terrorist activities. Much of the advanced training takes place in camps located in various parts of the Soviet Union which specialize in particular types of activity.

Over and above the countries mentioned, a number of non-communist (revolutionary) governments and some private organizations also support terrorism. Among the most important at the moment appears to be Ghadaffi Regime in Libya which has sponsored terrorist groups in many places including Northern Ireland, Chad, and the Philippines. At times, the following governments have likewise been involved in support of political violence: Algeria, Tanzania, Zambia, The Republic of the Congo, and Zaire. We may also include the Popular Democratic Republic of Yemen (PDRY), Iraq, Syria, and Lebanon.

Terrorists and terrorist organizations are often referred to as "freedom fighters." The World Council of Churches with a number of private organizations and various Western governments provide financial assistance to "freedom fighters." Assistance has taken place during the wars against Portuguese authority in Mozambique, Guiana-Bissau, and Angola. Governments involved include Sweden, Denmark, Holland, Norway, and Finland. Although the stated purpose of the aid was for humanitarian purposes and intended for medical supplies, education, etc., it relieved the strained budgets of terrorist organizations which were then enabled to increase purchases of military hardware.

In terms of a future outlook, it would seem that the continuance of terrorism is incompatible with civilized life whether in a national community or within an international community of states. The need exists for measures not solely to contain and reduce terrorism but to eradicate it altogether. The question is whether or not it will be possible to eradicate terrorism within one national entity if it continues to prevail internationally. It is easier to deal with a problem within the parameters of any national sovereignty than to persuade a number of nation's states to cooperate.

Some persons consciously or unconsciously do not consider terrorism to be intolerable, even within their own country. If they did, it is logical that they would recommend and actively campaign for control measures. To recommend measures that fall short of achieving results implies either an optimism which the facts concerning terrorism cannot justify or a failure of resolve which shields behind such expressions as "terrorism is here to stay" or "we must learn to live with terrorism" or

"the cure could be worse than the disease." History has demonstrated that it is possible to defeat terrorism. The problem would seem to be less the defeat of terrorism than avoidance of any measures which might reduce or abrogate the rights and liberties that are characteristic of open, representative and pluralistic society.

History has demonstrated that terrorism is neither a disease nor an act of god that will go away or expend itself if the patient or country afflicted is basically healthy. To the contrary, it generally increases rapidly in virulence.

The probability exists that every country which is threatened by terrorism and fails to take the necessary measures against it in good time faces unpleasant alternatives. Essentially, this is a problem for open and pluralistic societies and to a lesser extent for authoritarian ones. It is not a real problem in totalitarian regimes such as the U.S.S.R. or the C.P.R., in which universal police surveillance makes armed dissidence virtually impossible. We can possibly add to this gloomy prognosis the availability of new technology for terrorism. In particular, the threat of nuclear blackmail, either with a bomb or with the possible dispersal of nuclear material, must be taken very seriously indeed. Much contingency planning is being done by certain governments and at various levels within those governments concerning this problem. The problem seems to go deeper than the readiness to tackle threats when they arise. The central question would appear to be whether the will exists to deal with terrorism before it has gotten out of hand and to eradicate it.

In any discussion we should be mindful of the special difficulties inherent in transnational terrorism. It is pointless to ignore the central role of the Soviet Union and other communist countries in the encouragement, promotion, and support of violent organizations in which terrorism plays an important part. The goal of Soviet subversion is to transform relatively manageable situations into strategically menacing problems. The common conception is that the second Indochina war was

escalated by a unilateral American decision. The issue appears not to be "white vs. black" or "liberation from colonial or imperialistic rule," but whether the Western Alliance can permit Soviet support for terrorism to go unchecked on a global basis and hope to survive.

Not only have the Soviets supported military violence over much of the world, but also they have given arms to non-Marxist organizations, (such as the IRA Provisionals), and turned loose on the world such terrorists as Illich Ramirez. Such behavior on the part of a responsible government should be closely scrutinized by the world.

Of all the present forms of transnational terrorism, by far the most intractable has been that of the Palestinian terrorists. This statement is made not to place a value judgement on the substance of the Palestinian case but merely to call attention to methodology and operations. By following current news media, one can ascertain rapidly that Palestinian terrorism has affected more innocent bystanders than any other variety of terrorism in recent history. This, of course, has not stopped the United Nations General Assembly receiving Yassir Arafat with the Honor normally reserved to a head of state of government. The further problem of internationally agreed counteraction is vastly complicated by the readiness of Arab governments to give sanctuary to Palestinian terrorists and, indeed, to those acting on their behalf — as in the case of the mass abduction of OPEC ministers in Vienna.

Any international action will continue to be impossible while sanctuary remains on offer, and while member-states of the United Nations continue to disagree on a common definition of terrorism.

In closing, I would hope that this abbreviated treatment of the problem of terrorism has or will generate the requisite thought processes on your part to more deeply examine the problem and thereby encourage those actions by government which are necessary for terrorism's eradication.

67811

PROGRESS AND PROBLEMS IN SWEDISH CORRECTIONS

Norman Bishop

The land area of Sweden is about two-thirds that of the State of Texas. The population of Sweden is 8.2 millions and this can be compared with about 13 million as the population of Texas. Like most of the Nordic countries - Finland is the exception - the crime pattern in Sweden can be crudely characterized as one of high property crime and low violent crime. Thus, of the 437,000 offenses against the Penal Code reported to the police in 1967, just over 385,000 offenses were against property and nearly 31,000 were against the person. The comparable figures in 1977 were 716,000, 650,000 and nearly 47,000 respectively. There are of course other offenses which are punishable under special legislation. Driving whilst intoxicated is one of the most serious of these offenses. Some 18,000 such offenses were registered with the police in 1967 and by 1977 this figure had gone up to 22,000.

The number of persons dealt with for reported offenses is of course a function of police clearance rates. These have gone down somewhat over recent years though there is, as is well known, considerable variation between different types of offense. For all Penal Code offenses the clearance rate in 1977 was 24%. Nevertheless the increase in reported offenses has led to an increase in the number of apprehended perpetrators. Interestingly enough there has not however been any sizeable increase in the number of persons entering the prison and probation systems over recent years. Indeed, between 1972 and 1977 there was a general decline in the number of sentenced persons received into the prisons, from 10,600 in 1972 to 9,742 in 1977. This is so because a number of alternative ways of dealing with offenders are being used instead.

The daily average population of the prisons also went down between 1972 and 1977, being 4,291 in the former year and 3,645 in the latter year. The daily average population however is not only a function of the number of offenders received into prison but also of the lengths of the sentences imposed. Prison sentences in Sweden tend to be very short. Thus, of 9,742 receptions in 1977, no less than 71% had sentences of from 1 - 4 months, 26% had sentences of from 5 - 12 months, leaving only 3% with sentences of more than one year. Given this distribution of sentence length it is natural to ask what was the nature of the principal offense of these receptions. The following table makes this clear.

Principle offenses of those admitted to prisons during 1977 (N= 9,742).

Driving whilst intoxicated	32%
Larceny	21%
Violence	13%
Fraud offenses	7%
Narcotics Act offenses	4%
Military offenses	4%
Aliens Act offenses	3%
Miscellaneous	16%
	100%

How are prisoners handled within the prison system? In order to give an account of the way that the prisons work it is first necessary to describe the major re-organization of the system which was decided on by the Swedish Parliament in 1973 with the concurrence of all political parties. Prior to that decision a number of governmental commissions had reported on and made recommendations about various aspects of the prison system. The government finally set up a high-powered committee to unify the various proposals which had been put forward and assign priorities. This committee worked fast and within eight months had presented its plans. Four main principles were decisive for the more detailed organization of the prison system. These were:

- minimum interference with the offender's life: non-institutional forms of treatment should be used as much as possible
- close coordination of institutional and non-institutional forms of treatment
- prisoners should be placed in small institutions near to their home towns unless the protection of society unavoidably required otherwise
- society's regular social service agencies should be used to the greatest possible extent; i.e., the correctional system should not build up its own special services and duplicate what was already available.

In order to give effect to these principles, a general re-structuring took place of the correctional system's organization. Directly under the National Prison and Probation Administration (NPPA) are the national prisons, at the present moment 21 in number. These take

those prisoners who have been sentenced to more than one year, i.e., the protection of society is emphasized in these cases and the prisons in question tend to be far more security oriented than the other type of prison to be described. Also under the NPPA are the **regions** (thirteen in number) within which the integration of institutional and non-institutional treatment is to be implemented. Within each region there are **remand prisons, local institutions** and **probation districts**. Each region has its regional director who is responsible for the integration and coordination of the work carried out. Prisoners serving up to 12 months are the direct responsibility of the regions; i.e., about 90% of the yearly intake of prisoners. The regional boundaries have been drawn so as to have maximum coincidence with municipal boundaries thereby facilitating the use of local social service agencies. Prisoners in national prisons may be sent to local institutions for the terminal phase of sentence (up to four months), as part of the preparation for release. Local institutions house 40 to 60 inmates.

A great deal of the detailed working of the prison system is regulated by the Act on Correctional Treatment in Institutions which entered into force in July 1974. Space does not permit a detailed consideration of the Act. Here it must suffice to point to certain of its more important provisions. In its opening sections, the Act requires that inmates be treated with respect for their human dignity and with an understanding of the difficulties occasioned by imprisonment. Disciplinary punishments are limited to warning and to a decision that up to 10 days of sentence served shall not be reckoned. Such awards may not total more than 45 days in the course of any one sentence. A major aim of prison work should be the avoidance of the negative effects of imprisonment and to that end **outside** activities, help and treatment should be encouraged. The Act gives wide scope for furloughs, work release and "sojourns" outside the prison. These sojourns will be described later in this report. Although spot checks may be made on mail, regular scrutiny or censorship is not ordinarily permitted. Some exception is made for especially dangerous prisoners. Within the limits set by rules and agreements, inmates are entitled to have consultations with the management of an institution and to hold meetings between themselves to discuss matters. The probation and parole services are responsible for preparing inmates for release in cooperation with the staff of the institutions. If the foregoing sounds idealistically liberal it should also be noted that the Act - in a modification which entered into force on 1 January 1979 - also provides for compulsory urine testing where it can be suspected that an inmate has been using drugs. (The Act on Correctional Treatment in Institutions has been translated into English and can be obtained from the NPPA together with certain other literature on the re-organization of the correctional system.)

How is the Act working in practice? Here again space does not permit a full-length account and only a few aspects of its working can be presented. The use of

furloughs is perhaps an important index of the extent to which the intentions of the Act with regard to contact with the outside world are fulfilled. Furloughs can be granted after a four-month qualifying period, (although long-term prisoners have longer qualifying periods), for family visiting (72 hours) and, if all goes well, thereafter each two months. Short furloughs are also granted to enable prisoners to contact housing agencies, employment agencies, attend for interviews, etc.; as well as of course for emergency situations involving illness or death of relatives. Furloughs can be undertaken alone (most are from the local institutions), or accompanied or guarded. During 1977 a total of 50,448 furloughs for the above-mentioned purposes were granted. In addition a further 2,560 furloughs were granted for periods up to about 3 months as part of release preparation. Release furloughs mean that the prisoner lives away from the prison and works at an ordinary job. The majority of furloughs - about 80% - are taken of course from the local institutions. Those serving sentences of up to four months are not eligible for furlough. The number of furloughs granted should therefore be seen in relation to the (approx.) 3,000 prisoners per year who are eligible. By allowing prisoners to leave the prison to make their own arrangements for housing, work, etc., a certain saving in social workers within the institutions can be effected. Additional benefits are that the prisoner is not deprived of the opportunity to take responsibility for himself and, it may be interesting to note, there is virtually no problem of homosexuality in Swedish prisons.

About 8 - 9% of all furloughs result in abscondings. This proportion has been stable over many years; but with the enormous increase in the number of granted furloughs as a consequence of the new Act, the absolute number of prisoners misusing leave increases and becomes more visible to the police. In 1976 there was considerable public unrest about the misuse of furloughs and it was widely alleged that increases in crime could be attributed to absconders. The Minister of Justice set up a special working party on the subject. My own Unit undertook a study of persons arrested by the police in Stockholm during a three month period and a further study was made by an academic criminologist of the effect of absconders on general crime rates. Our own study showed that absconders were about 8% of all police arrests and that only 2% had actually committed further offences. The second study also showed that the effect on the general crime rate was utterly marginal with the exception of a tiny group of professional criminals whose misuse of leave led to an increase in such offenses as safe-breaking and bank or post office robbery. The Act has been amended in respect of this group to restrict their furlough opportunities.

Work release is another indication about the working of the Act. During 1977 a total of 1522 persons were out on work release. About 15% of the total number of man-hours devoted to work or study are taken up by work release. Certain local institutions have only work

release prisoners. In other prisons special places or wings are reserved for work release prisoners. It may be noted in passing that we are increasingly making provision to have mixed-sex prisons. It is by no means uncommon for prisons specializing in work release to have both men and women prisoners living in the prison.

Earlier in this report I mentioned "sojourns away from the prison." Paragraph 34 of the Act on Correctional Treatment in Institutions reads as follows: "If it is possible to provide special assistance to an inmate which can be presumed will facilitate his adjustment in society by granting him a period of sojourn outside an institution, permission may be granted for him to spend the appropriate period of time away from the institution for this purpose where there are special grounds. Any conditions necessary shall be imposed for such a sojourn." At present about 600 applications per year for a para. 34 sojourn are made by prisoners. About 75% of these applications are granted. Far and away the commonest reason for an application is some form of treatment, especially for narcotics or alcohol abuse. Inmates granted a period of sojourn then leave the prison to live in a therapeutic community or treatment collective. For about half of these the planned period is up to 60 days; for the other half the period goes up to one year. For two-thirds the planned period is three months or less. Other purposes for a para. 34 sojourn can be vocational training, education, military service, work and medical care (usually somatic). About one-third of those who are granted a para. 34 sojourn misuse it sufficiently seriously to warrant a return to the institution. Highest rates of misuse are observed among those with previous prison experience. Those with experience of probation only or "first-timers in prison" are more successful. Not surprisingly, it is among alcohol abusers and narcotics addicts that relapse rates are highest.

I should like to turn now to another matter entirely. I wish to describe a special experiment which we believe has considerable relevance for the development of prison industrial programs. Some years ago an experiment was started at the open national prison of Tillberga which involved paying inmates market wage rates for production work — in this case the manufacture of pre-fabricated houses. The main aim in paying these market wage rates was to try to improve the financial and social situation of the inmate. Many of our prisoners have serious debts. They owe damages, court costs, unpaid fines and purchase payments. Often they have little ability to plan and operate a personal budget. A second aim with the Tillberga experiment was to try to improve their capacity to budget. Inmates had to apply to come to Tillberga and agree to disclose their financial situation. In addition they also had to agree to plan a personal budget with the help of the social work assistant. Since we had no experience of this kind of experiment we proceeded cautiously and the inmates selected for the experiment were pretty much of an elite. They not only got market wages but also were

allowed to use a proportion of their wages for very frequent furloughs - once every two weeks. A study which we conducted showed clearly that prisoners released from Tillberga had lower rates of recidivism than a comparison group. The differences were statistically significant at 3, 6 and 9 months after release. Although the Tillberga group still had lower rates at 12 months the difference between them and the comparison group was not significant. The Tillberga experiment was chiefly criticized on the ground that it had been applied only to a carefully selected group of not especially difficult inmates.

A second experiment of the same kind was initiated at Skogome prison. Skogome however is a closed national prison. Although inmates still were required to apply to come into the experiment, no special selection procedures were operated and there was every reason to think that Skogome was taking a fairly tough clientele. We have just completed a study of the results of the Skogome experiment and I propose to mention a few of the main findings. On every criterion used the Skogome population was considerably more difficult than the Tillberga population. At Skogome inmates had far more and far longer previous prison experience although they were rather younger on average than those received at Tillberga. Skogome inmates were worse educated, had less vocational qualifications and worse work experience. Their sentences were longer and they stayed longer at Skogome. Despite these many adverse background factors, Skogome prison transferred relatively few inmates to other prisons on grounds of misconduct but managed to retain them in the market wages program. (Work at Skogome consists mainly of processing about 40 tons p.w. of laundry from local hospitals, etc.) Some 25% of the inmates earned between 600-1200 dollars during their stay at Skogome, 30% earned between 1201- 2400 dollars, whilst a further 31% earned between 2401 to over 4200 dollars. Inmates pay the same rates as staff for food. The remainder is spent in accordance with the budget drawn up at the prison. Apart from furlough costs, (family visit furloughs are allowed once every three weeks at Skogome), the main uses of earnings were for rent, household bills and other family expenses, saving for release and paying off, at least in part, debts, taxes, fines, damages and court costs. One in five paid off at least 25% of debts, etc. owing and 7% managed to pay off all outstanding debts. Two-thirds of those released direct from Skogome to the community needed no financial help on release. Those released from other prisons need financial help in 93% of cases. Interviews with Skogome parolees revealed many positive responses - to the level of payment actually received, to the budget planning, to workshop atmosphere and to the frequent furloughs which market wages made possible. Many prisoners thought that family relationships had been maintained or improved to a far greater extent than with any previous sentence. (Virtually all the Skogome population had had previous prison experience.)

In our study we tried to compare housing, work

situation and sources of income for a period of one year before the Skogome imprisonment and for one year after release. Housing showed a clear improvement in the post-release period. This was not the case with employment. Fewer men were in regular employment or the special work schemes for the unemployed after Skogome as compared with the period before Skogome. Many more were unemployed, permanently sick or prematurely retired in the post-release period. Inevitably the sources of income reflected this state of affairs. Disappointing? Yes, of course but it should be remembered that these prisoners were discharged to the Gothenburg area which has high general rates of unemployment and is regarded as having become an economically weakened business region. It is unrealistic to suppose that a prison program can produce positive results when the general economic situation in society is so shaky. On further finding: about 80% of the Skogome population were drug or alcohol misusers to a serious degree. Despite this most of them managed to cope with the demands made on them by a modern industrial program and the frequent furloughs. They did this without the help of any specialized medical, psychological or counselling programs. It is tempting to speculate that they were placed in a position of choice ("control drug or alcohol habits sufficiently or get out of the experiment") and were given the most tangible of all rewards, i.e. money, and the opportunity to use money. The Skogome experiment was never conceived as a behavior modification program but it is possible that that is just what it is.

In this paper I have tried to outline some Swedish approaches to corrections. I have, by reason of the need for compression, limited my presentation to aspects of imprisonment. There is always the risk that compression and the fact of being in another country leads to a false idealization of one's own system. Even if there are some positive aspects to our correctional system it would be quite untrue to suggest that we are problem free and that everything works fantastically well. I have tried to indicate some of the shortcomings in the descriptions I have given. There are many more, however. I shall close by mentioning one of our most serious problems. I refer to the problem of drugs.

We have no very good scientific data about drug use in our prisons or among our prisoners. An annual assessment of the situation made by the social work assistants

showed however that in 1968, 20% of all prisoners were serious drug users. By 1974 the estimate was 25% and last year, 1978, it had risen to 33%. About three-quarters of those classed as serious drug users are known to be injecting frequently on entry into prison. The situation is worst in the national prisons where about 41% were classed as serious users in 1978. In the local institutions the corresponding figure was 27%. (In the probation and parole population the proportion is 15%.) The pursuance of a liberal policy concerning furloughs, work release and visits does not make control easy. We are caught on the horns of a dilemma. If we open up the prisons and have closer contact with society, then society's problems can come into the prisons. But shall we on that ground cease to maintain that contact? Briefly the measures which we are adopting are the following.

In the first place we are attempting to create drug free prisons which offer the non-user a drug free environment and provide a basis for offering treatment to the user who wants treatment. Urine testing, usually on the basis of a treatment contract, is customary. Training in social skills is emphasized and treatment opportunities can be extended through the use of paragraph 34 sojourns. In other prisons the recent modification of the Act on Correctional Treatment also gives improved possibilities for control by compulsory urine testing and sharpened search procedures. No simple solutions to the drug problem exist. We can only patiently attempt to develop a variety of responses.

Let me close with the following observations. I have wanted to describe something of what we do in Sweden, explain the underlying principles and where possible relate the results. It should never be forgotten that all correctional systems are embedded in - and therefore reflect the values of - their respective parent cultures. Swedish corrections therefore is one manifestation of Swedish history, Swedish traditions, Swedish cultural values and Swedish possibilities for political, social and economic development. For this reason I have little belief in trying to export our methods for other countries to import. But I do believe that all of us who work in corrections can be stimulated to look more critically at our own systems when we study developments in other countries. My assignment has been to contribute to such a process within this Interagency Workshop. Since it has been a very great privilege to take part in the Workshop I hope that I have been able to make such a contribution.

ARSON: FEDERAL, STATE, AND LOCAL RELATIONS

John G. Krogman

The Bureau of Alcohol, Tobacco and Firearms (ATF) has traditionally been involved with the enforcement of the liquor laws and we were known primarily as the "revenueurs." This changed very dramatically in 1968 when the Congress enacted the Gun Control Act. This in effect put ATF into an entirely different posture as far as our role in serving the American public, and this is really our first enabling legislation which permitted our entry into the field, not only in the gun control field, but also into the field of investigation of arsons. You may recall the Selma, Alabama, arson bombing in 1969 where four children were killed in a church: this was our initial entry into the investigation of arsons. This expanded in 1970 when Congress passed Title XI of the Organized Crime Control Act. This provided for the first time a clear mandate for the Federal Government to investigate illegal bombings in the United States. This jurisdiction was shared with our friends from the FBI in the investigation of bombings involved in interstate facilities or interstate buildings. The FBI has certain sections primarily involving investigations of terrorists bombings or bombings of campuses or Federal buildings, excluding the bombing of Treasury facilities which comes under the exclusive jurisdiction of ATF.

Beginning with the bombings which stemmed from the unrest over the Vietnam War, the bombings were then directed at primarily Government facilities, including the Capitol of the United States and more notably my office in San Francisco where they detonated a bomb in 1975. Not to leave the FBI out, they also blew up the FBI office in Berkeley, California. Initially, our approach was rather independent. ATF did their thing, FBI did theirs, and the State and local people did theirs. However, that's changed, now we are asking how can we better utilize the very limited resources we have not only in the Federal Government, but how can we utilize those resources of the State and local departments in an effort to fight crime.

In the past there was considerable duplication of effort on the part of all agencies concerned. We would see ourselves winding up at a bombing, particularly a major bombing scene; ATF would be there, the State and local people would always be there first, and then the FBI would come in. But now I think we are taking an entirely different look at it. Particularly when we talk about arson investigations. Last year there were 177,000 arsons in the United States, representing about a billion and half dollars in economic loss. Today, arson is probably the

number one economic crime in the United States. And it has been recognized as such by the Congress which held hearings last Fall and this Spring. I testified, and Don Moore, Assistant Director of the FBI testified, as to what the Federal Government is doing about the national crime of arson. In the past I don't think there was really much done in terms of Federal impact in the arson area. Although we did attack it in isolated cases. If, for instance, we had a Molotov cocktail thrown into a building, we could interpret it as being a destructive device under the Gun Control Act. If it was a significant case involving an interstate building or a conspiracy case, we would get involved based on utilization of the Federal gun charge. Now, because of the magnitude of the arson problem, we have an entirely different situation. How can we best attack this kind of problem? As a result of the interest in arson, in 1977 ATF started a task force approach. I think this is the kind of approach that we are going to see spread throughout the law enforcement community, and that is, how can we build together a team effort rather than to go about this in maybe five isolated ways.

In Philadelphia we decided to give this pilot test a run and see if we could be successful by utilizing not only ATF, but the resources of the Postal Service, for example. They have some very significant and meaningful charges which they can utilize in the crime of arson, such as the filing of false insurance claims utilizing the mail. This is possibly a way which we could attack the problem of white collar crime. Our basic philosophy is that arson is a state and local problem. What we are trying to do in ATF is to assist State and local people. We are not trying to go in there to take the case away. We will go in there and handle, for example, the interstate aspects, and there are interstate aspects in white collar or organized crime, and they are involved in arson matters. They do hire "torches." They do get involved with attorneys, with landlords, and with claim adjusters. So in this respect, we think the Federal Government can have an impact in perfection of conspiracy cases, in running down interstate leads such as interviewing of witnesses beyond the jurisdiction of the State and local agencies involved and by providing laboratory assistance. We have five laboratories, one located in Rockville, Md., our Headquarter laboratory and four others in Philadelphia, Atlanta, Cincinnati, and San Francisco. These laboratories will provide chemical analysis for State and local people to determine if an accelerate was

used in the commission of an arson. Was it really an arson, or was it an electrical fire, an accidental fire, was it deliberately set. The perfection of an arson case stems directly from the physical evidence at the scene. The State and local people are an integral part of our task force approach. As a result of the task force operation over the past two years, we have indicted about fifty principles in the Philadelphia area alone. When I talk about indictments, I'm talking about people who are involved in schemes, members of organized crime, white collar criminals. I'm not talking about the isolated arsonist who is burning down an apartment for his own personal gain but about organizations, because that is all the Federal Government can be involved with. As a result of our Philadelphia experiment, we now have strike force operations in 26 cities throughout the United States. We have already committed 125 ATF agents who do nothing but work on arson investigations.

I think this is consistent with the concern that the Congress and the people have with the burning down of our cities. Senator Percy, as a member of the Senate Investigations Committee last fall, held extensive hearings on arson. Senator Glenn, as a member of Governmental Affairs Committee, held hearings just this Spring. As a result of those hearings we now anticipate that there will be a bill enacted, Senate S. 252, which in effect provides for a coordinated approach in attacking. It assumes that the basic responsibility is with the State and local people, but also sets up a Governmental committee comprised of the Director of ATF, Director of the FBI, the Administrator of the Law Enforcement Assistance Administration, as well as the Director of the U.S. Fire Administration. The Fire Administration primarily is concerned with coordinating statistical reports of arson, providing coordination of training, and overseeing the efforts of the Federal Government as far as their involvement in arson. ATF is also involved with training but we're not getting involved with the prevention aspect of arson. Nor are we getting concerned with community action which is an integral part of an effective approach to investigation of arson. We are getting involved in training of arson investigators and we have funds from LEAA which will provide training for investigators in 18 cities. We are going to go out to the cities to find out what kind of training the State and local people want in terms of investigation of arson. At the same time we want to tell them what we can offer them. That reminds me of the three famous excuses that you hear today in Washington. One, I gave at the office, two, my check is in the mail, three, I'm with the Federal Government and I'm here to help you. That's what we are trying to do in arson.

It is important that out of the total arson investigations, we have determined that over 65% are involved with insurance fraud, 12% revenge, 10% extortion, and about 10% are labor related. This gives us some idea of the white collar involvement in arson which is, in our opinion, well over 50%. So we are talking about 85-90,000 arsons in the white collar area. We are also

involved in this arson area because of the economic aspect of it, but more because of the 10,000 total civilian deaths as a result of fires. On the conservative side, utilizing the National Fire Protection Association figures, about 700 of the fire deaths are directly related to the crime of arson.

To really be successful, we also need the cooperation of the insurance industry. They can have a large impact by not writing policies that encourage the crime of arson, and that area is being looked into. The problem with it is that insurance companies are regulated by State agencies and the Federal Government is powerless to enact any kind of legislation which would control insurance companies. But that is one area that we're working with the insurance companies on and they are certainly concerned with this problem as it is a drain on their corporations. We have to work together with the States, with the local people. We have to do something in the way of meaningful training to insure that the kind of training that we do in ATF doesn't overlap the training of the FBI. They are involved in arson investigations in their training facility at Quantico, and there in a Treasury Department training facility which encompasses all Federal police and law enforcement agencies with the exception of the FBI, and that is the new Federal Law Enforcement Training Center in Glynco, Georgia. It is headed by an outstanding graduate of Michigan State University, Art Brandstatter. We hope that some day we can incorporate formalized training into arson training at Glynco. They anticipate training about 8,000 Federal police and agents during the next year. It is a tremendous facility. It is located at a former Navy air base and they are putting up new buildings all the time and it is an outstanding training facility. I also hope some day that we can get a mandate to train state and local officials in arson, in bombing investigations, and in firearms investigation. This will take a legislative mandate and a new charter before the Glynco facility can be involved with that. In the absence of that, we are going to come out to the field. We are going to provide the kind of training that I hope will be responsive to the needs of the State and local agencies.

One area that I would like to mention is the Explosive Tagging Program. The problem stems in this area and indirectly ties in with our arson work, primarily from the fact that when a bomb goes off there are generally no clues as to what kind of explosive it was and certainly who manufactured it. One example we can look at is the LaGuardia Airport bombing in New York, shortly after the bombing of my office. To this day we do not know who committed the act and we do not know what kind of explosives were used. I think it is a shame that we cannot even begin an investigation of that magnitude in which 11 people were killed and 34 injured.

So what we have been doing since 1973 is trying to come up with a practical solution to the tracing of explosives materials by the insertion of taggants into the manufacturing process. These are microparticals, hardened plastic, that you only see through the use of a

microscope. There are nine different color codes on this little microparticle. We now go to a bombing scene dig through the debris such as we did out in Los Angeles, to try to find these clues. We discover these micro-particles out in the field by utilization of ultraviolet light if they are fluorescent, and we can pick them up with a magnet if they are magnetized. We send them into our Laboratory and by the various combinations of these codes we can determine who made the explosive, what kind of explosive it is, and who they sold this explosive to. This will get us at least to the distributor, to the wholesaler, it may get us to the retailer and just may get us to the bomber. I would like to have that lead for the bombing of my office which we don't have. We have already tagged seven million pounds of explosives materials on a test basis which are in circulation now.

So we think this is a beginning. It is not an overall cure for the problem but it is more than any other agency has accomplished in trying to develop a scientific way to discover the identification of criminal bombers in the United States. The second phase of that program which isn't as far along in research and development is what we call tagging for detection: the first part is called tagging for identification. The tagging detection is probably more important in terms of public safety than tagging for identification. The process involves developing a vapor taggant which could be inserted into the blasting cap by the manufacturer. When that bomb is brought into a

public building, an airport, aircraft, baggage, a detector will ring a bell or shine a light to indicate a bomb. Now if we get one of these, just one, I think it would certainly be worth it, particularly when we think in terms of a 747, DC-10, or any other aircraft, or even taking it into an airport such as LaGuardia and putting it in a locker. We are well along in that program. We do have some operational problems with it and we have some political problems with that program as to convincing certain groups in this country that it is effective, that it is a highly utilized investigative technique which we could use not only in identifying bombers but preventing disasters from occurring.

We can't do that by regulation or what some call in Washington executive fiat, although sometimes I wish we could. We are going to work very hard in trying to get this bill passed. We think it will be extremely useful for law enforcement, particularly local law enforcement people, and we are going to pursue that until we do get some kind of legislation, in spite of the political opposition to the program.

We have made somewhat of an impact but certainly we have a long way to go. But I think by working together, by utilizing all the resources that we can, by coordinating these resources so we don't have duplication of effort and of cost, we can do something in this area. Thank You.

JAIL AND PRISON GANGS

Thomas F. Loneragan

It's a pleasure to talk to you today on a subject which has begun to attract attention on a national level in the last five to six years — the problem of prison and jail gangs.

These gangs are not a new phenomenon in the State of California. What is new about these groups, is that some of them represent a new aspect of organized criminal activity in the United States. All of us are familiar with Cosa Nostra, organized crime, the syndicate, or whatever name you may have known it by. Some prison and jail gangs have evolved into sophisticated criminal conspiracies very similar to Cosa Nostra. Their influence spreads not only across State boundaries but internationally. Their activities include not only trafficking in narcotics, but the international trafficking in firearms. Thus it's a problem that cuts across the entire Criminal Justice system. It involves law enforcement, corrections, and probation and parole at the local, state and federal levels. It is rather unique to have probation so intimately tied to a problem of organized crime activity, although this is something that has been evolving for about the past year- especially in light of the California Determinant Sentencing Law.

Secondly, it's an area that we have to look into because the power within these organizations comes from within the California prison system. When we had organized criminal figures in the past, their power came from their street activities; if they went to prison, for example like Al Capone did, the power from the street transferred into the prison. However, in the case of the prison gangs, we have organizations that evolved within the prison system and transferred their power to the street; and they transferred a vast amount of power, as I will get into in a couple of minutes.

An interesting facet is that one of the groups I will talk about, La Nuestra Familia, a Mexican-American group, has a counterpart on the street. This street component has a well-organized structure but the prison segment of La Nuestra Familia controls the organization. The General from within the prison system of California controls the activities of that organization.

The third reason why there is increased interest on the part of both law enforcement and the general community in the prison gang movement is that, beginning in about 1975, prison gangs determined that they would evolve a new course of action. They would begin to infiltrate State and Federal drug abuse and rehabilitation programs, and take over these programs

and operate them as part of their activity. They successfully did take over several programs. One program, the Get Going Project in Los Angeles, was a Federally funded drug abuse program which in essence, evolved into a system whereby prisoners released from the California prison system and sent to be rehabilitated at the Get Going Project were in actuality engaging in illicit narcotics activities. It was a very effective and efficient operation. The infiltration of these groups into valid government activities has caused interest by statewide committees in California and the U.S. Department of Justice.

Another reason for the interest in the groups is the vast toll in human lives that they are exacting on the streets of California, and indeed throughout the country. In the last three years 150 murders have been committed on the streets of California and within the prison system of California which are directly attributable to prison gangs and the prison gang movement.

Since 1970, twelve corrections officers have been killed

— murdered — within the California State prison system. The majority of these officers were killed by members of the prison gangs.

Since 1970, 135 prisoners have been murdered within the system. These were included in the first 150; not all these were prison gang killings.

The most significant aspect is the number of homicides that are occurring on the street. For example, in the Los Angeles area, in one eighteen-month period that just passed, thirty-five people were murdered on "contracts" that were issued from within the California State prison system or local jails. This is where the interest is beginning to get focused. The movement started in the prison system of the State, moved into our local jail system throughout the State, (California operates the largest jail system in the United States), and from there has now infiltrated into the United States Bureau of Prisons. It is beginning organization on that level at the present time. For example, one of the people I talk about, Joseph Morgan, is the Godfather of the Mexican Mafia. He was recently convicted of a Federal offense and transferred to the U.S. Bureau of Prisons facility at Marion, Illinois. He was there for five days when three stabbings and two homicides occurred. He is now in maximum lock-up at the MCC in Chicago, charged with those two murders. He acted very, very quickly once in the Federal system.

The last reason why the interest is focusing upon these groups is because they have begun their move out of the State of California and into our surrounding states. There is information and criminal history and conviction data documenting the existence of these groups or their members in Arizona, New Mexico, Texas, Oregon, Washington, and U.S. Bureau of Prisons system.

The infiltration into the Bureau of Prisons system will give these gangs nationwide capabilities. From California they have operated internationally, as I mentioned before. The Mexican Mafia operates a vast narcotic trafficking business from a location in Mexico, and they bring cocaine in from the Republic of Peru. It is reported that in exchange for the narcotics they're ferreting arms, mainly AR15s or M16s, into the Republic of Mexico.

Another area that should receive attention, and has been pretty well played down until very recently, is the fact that these gangs are recruiting young members. They have gone to the barrios of our cities of California to recruit juveniles to serve as hit men on their contract murders, as runners, and they have been using them (to use the jargon of the narcotics trade) as "mules" to carry narcotics.

Now the data that I'm going to present to you today all comes from open sources. None of it is what I would consider "intelligence data." Documents that I'm getting my information from are the 1978 Report to the State Board of Corrections, **Prison Gangs in the Community**, the **Interim Report of the California Department of Justice** (a special investigative task force), the **1975 Report to the Senate from the Senate Subcommittee on Civil Disorders**, and finally from the Committee on Internal Security from the House of Representatives, **Revolutionary Target, the American Penal System**. All these publications are readily available, are open publications, and have a great deal of good information in them.

A little bit of background to the problem I think you'll have to look at is that of the danger that exists in the United States because of these groups — specifically the ones that are engaging in revolutionary activity. One of the groups I will be talking about is the Symbionese Liberation Army, definitely a terrorist group which was a California prison gang. As terrorist leadership in the United States, specifically the middle class leadership began to emerge (people like the Harrises), they could not find adherents to their cause in sufficient numbers or with sufficient criminal sophistication to carry out some of the activities which they wished to engage in such as bank robbery or homicide. By merging revolutionary terrorists and the criminals from the California Penal System, they gained willing adherents to their cause. I will discuss shortly some of the ways they are doing this.

Organized crime also saw the opportunity to use some of these groups. Historically, prisoner groups have formed in interest of self-protection. The prison gangs today are totally profit motivated, however.

Their hoodlum-type activities, gambling, loan sharking, you're all well aware of, and these have been going

on for a long time. Some relatively new ones, for example murder by contract carried out in the streets, is an entirely new aspect.

The Committee on Internal Security identified at least three separate phases in the development of these groups within California, and we are seeing the same distinct evolution occurring in the other States. First, in the early 1960's, we saw the groups begin coalescing into organizations bent mainly upon safety for themselves, i.e. protection against rival gangs, protection against other prisoners.

In the late 1960's, ethnic and racial hostilities began to emerge as the major motivating factor in the prison and jail movements, as groups began to form along ethnic and racial lines. As a matter of fact, all the groups I will talk about today are ethnic or racially oriented. One of them, a black supremacy group, is very revolutionary in its activities.

The final phase, which occurred in the early 1970's saw a radicalization and a politicization of prisoners within jail and prison facilities. It began at the prison level, and as I said, moved back into our local jail level.

The new philosophy that permeates the system and that prisoners are picking up has two major components. First of these is the "political prisoner" concept. This is where the prisoner sees himself as the victim of society, mainly an oppressive society, and his is reacting solely to that society. Indeed, many of the groups are beginning to rob banks to finance their activities, and talk in terms of expropriating money rather than stealing it. This is a frightening kind of thing and is identical to the activity in Latin America in the 1970's by the Tupamoro Guerillas. Some of our groups today seem to be patterning themselves upon the Tupamoro Guerilla model, which is not that hard a model to follow. Your speakers yesterday on Terrorism probably talked to you about Regis De Bray and his **Revolution in a Revolution** and Marighella's **Mini-Manual of the Urban Guerrilla**, which are the two major documents read by revolutionary groups.

The second concept is the prison movement concept based on a call for prison reform. While some very well-meaning groups started to move into this area, unfortunately, other people not as well motivated also began to do so. Their goal was not prison or jail reform, but open access to the prisons and the introduction of inflammatory revolutionary literature into the prison system. It was unfortunate because it has caused a lot of jail and prison administrators to retreat into a backward position and not attempt to deal with the problems of jail and prison reform. We have to somehow distinguish between these types of groups.

The major reason for the sudden turn toward violence in the 1970's has been put forward by several people, including the House Committee I spoke about and our Senate Committee in California. About 1973-74 a significant event occurred in this country — the war in Vietnam began to wind down. The revolutionary fervor directed toward the anti-war movement no longer had a focus of attention. There was, however, a new area —

prisons and jails — especially following Attica, Huntsville, Trenton and major rioting in several urban jails across the country as Presidential Commissions reported on the deplorable conditions. People seemed to jump on the bandwagon and we find many of the same names occurring over and over again. There was almost a direct transfer from the anti-war movement into the prison reform movement.

Now, what I would like to talk about initially is how these groups recruit new members; and members are recruited at the State prison, the local jail and at the Federal level, using very similar tactics. It doesn't matter what system we are talking about. We can go from local to state and find identical methods of penetration.

The **modus operandi** most used is that the recruiters try to impress upon them that they are political prisoners. You will find this over and over again in the literature that is coming into the jails and prisons, and in some of the talks being given to these people; "you are not guilty of what you did — the system made you do it and therefore you committed not a crime but a political act in the name of the people."

The inmates are promised publicity and free legal defense. This is a key point since one of the groups identified by the Senate and the House was the National Lawyers Guild which is a national organization of attorneys with long-standing association with numerous revolutionary groups.

The film that I'm going to show you this afternoon will talk a little bit about the National Lawyers Guild. The second film goes into some detail on the activities of this group, including the possibility that one of their members smuggled a gun into George Jackson, in prison in California, that resulted in the shoot-out which caused his death.

Once converted, inmates are then instructed to agitate among fellow prisoners, and this agitation can take many forms. New York is probably experiencing more of this than we have, particularly because their movement started some years before ours in California.

The prisoners, unfortunately, that are the most apt to fall victim for this line of recruitment are the long-term offenders convicted of violent crimes. And these are the most dangerous types of people we can have affiliated with the revolutionary groups.

One example is the SLA. Donald DeFreeze, or Field Marshall Cinque, was a long-term offender from the California penal system recruited out of the medical facility at Vacaville, who escaped from that facility and wound up on the streets of Los Angeles in a shoot-out with L.A.P.D. in 1974.

A major problem in controlling the activity of prison gangs is that outside contact is almost unlimited under recent court decisions. In the West German penal system (I'm not advocating it, but just giving you an example of one response by a penal system), the Baader Meinhoff gang is roughly equivalent to what we have in our system in some of our groups. The West German

legislature recently passed a law restricting the access to Baader Meinhoff members by people outside and that's one solution to the problem.

We have an open penal system and an open society. Anyone can see anyone, and anyone can send anything they want into our system. We have found publications coming in which detail for prisoners how to make a bomb out of the materials found inside of a jail or prison, how to make an explosive device out of a lightbulb found inside every jail or prison, how to make weapons, including firearms, out of toothpaste containers, cardboard, matchsticks, and metal fragments.

Our only hope is that we are going to be able to calm what has been occurring recently and turn the tide against the prison gangs before they spread their influence across the country.

Eleven major gangs have evolved in the State of California. This means that they are formally organized, have a leadership pattern, and are engaging in criminal activities.

The first group, (and I'm only going to talk about four groups), is the Mexican Mafia — the La Eme — the most powerful of all prison gangs in the United States and the original group formed in the California prison system. Formed in 1967 at Duell Vocational Institute as an association of Mexican-Americans from the barrio areas of Los Angeles and Southern California, they represented urbanized Mexican-Americans. They formed initially to protect themselves while in jail and prison, and also control some of the narcotic activity. Currently, it is estimated that they have about 500 hard-core members within the system, with an organization on the street probably almost as large. They first moved into open society in 1966-1967, the same time they began to form in the prisons and carried out their first murder in 1967 within the prison system.

The interesting organizational fact about La Eme is that they are a democratic organization operating on the principal of democratic centralism — one man, one vote. The power structure in La Eme varies from institution to institution. There is a local leader at each facility as well as in local jails. If that person is transferred to another facility, he does not take his power with him. The power ceases at that point and if he goes to another facility, he must start all over again. The only exception to this was Joe Morgan, identified by the Senate Committee as the Godfather of the Mexican Mafia.

The Mexican Mafia has been responsible for most of the murders that have occurred in the California prison system, mainly because of their size and effectiveness. Probably by growing up in the environment that they did, they are very good at street fighting. Both La Eme and La Nuestra Familia conduct classes for members in how to kill.

The Mexican Mafia is interested mainly in narcotics. That seems to be their stock in trade. They were the first organization to move into infiltrating community groups, and to use it successfully.

The documentary film that I will show you outlines the Get Going Project, headed by Michael Delia, who is currently incarcerated in Sacramento. His wife was going to testify before the Special Services unit of the Department of Corrections about the La Eme activities and Michael Delia is accused of having his wife executed in Sacramento. He is now incarcerated for that murder and is on trial.

The Mexican Mafia has also moved into a safe and secure base within the Republic of Mexico and they operate fairly freely from that location. They have a ranch down there, which could just as easily be in Arizona, Texas, or California. However, it's more efficient to be in Mexico since they are less capable of coming under the surveillance of American intelligence or law enforcement agencies.

The Los Angeles City Council has had resolutions passed and investigative committees have been formed to look into the exact extent of La Eme involvement in the California government itself. It reportedly had government people it could contact who acted as its agents and in its interest. One of the people they killed in East Los Angeles was the aide to a State Senator.

The Mexican Mafia has affiliated itself with the Arayan Brotherhood, a white supremacy group, mainly to gain allies in their war against La Nuestra Familia. They have also allied themselves with a group called the Venceremos organization which was one of the early subversive groups in the United States, formed in the Berkeley-Oakland area. The Venceremos were responsible for kidnapping and murdering two California prison guards who were transporting a prisoner between state prisons. They were a very active revolutionary group, but are underground now, most of the members having gone to the Weatherman or the New World Liberation Front. The Brotherhood is also allied with the Nazi Party in a very loose affiliation, which is very understandable when you realize their main political orientations.

The Arayan Brotherhood formed in 1968 and was composed mainly of Nazi Party members in the California prison system and outlaw motorcycle gang members. It was first known as the Bluebird group and its evolution lasted over a period of years.

The Arayan Brotherhood's membership today is estimated at about 500 active, hard-core members within the California prison system or on the street. One significant difference in this group and La Nuestra Familia or the Mexican Mafia is there is no hard evidence of the Arayan Brotherhood engaging in bank robberies or other criminal activity to finance a central bank for the organization. When they rob a bank they rob it to line their pockets. They have been recently, though, committing bank robberies with the Mexican Mafia in California, Oregon and Washington. The groups seem to be moving out of the state to commit quite a few of their robberies.

The Brotherhood is a very tightly controlled organization. Again, the Senate has identified the Commanding General as a man named Jack Mahon. Membership in

the organization requires a favorable vote by every member; one negative vote and you cannot become a member. The Brotherhood will also carry out contract murders for other organizations. La Eme and La Nuestra Familia will only kill on behalf of their own organizations. They are affiliated with the Mexican Mafia and reportedly, the Manson family.

The next group is the Black Guerilla Family, (BGF) "the Chosen Family of George Jackson." It was formed in 1971 of splintered groups of the old Black Panther Party and other radical groups in the State including the Black Liberation Army.

In New York State the organization is unique. In prison you are a member of the Black Guerilla Family; when you get released you become a member of the Black Liberation Army. In California, you are a BGF member both in the inside and outside — they make no distinction.

The Black Guerilla Family also does not commit crimes to finance a central bank. They seem to be keeping a very low profile right now, possibly because their leader is incarcerated in San Diego.

The Black Guerilla Family is the most political of all the groups, except for the SLA. They follow classic Marxist-Leninist doctrine. They read the little Red Book of Mao. They are very imbued with Third World Ideology, and they are probably the most dangerous to law enforcement of all the groups currently active in the prison system. The BGF is responsible for ambushing numerous law enforcement officers all across the country for the past couple of years.

The BGF, as a Marxist-Leninist organization, has a central committee like the Communist Party. They have lieutenants and soldiers and Doc Holiday runs the organization completely and totally. There is no getting out from under his particular edicts when they are issued.

The Senate investigation concluded that the BGF was the most effective and the most violent of all the prison groups in the United States. They indicated that if the BGF is ever able to achieve formal and large-scale organization on the streets, that no prison gang and not very many law enforcement agencies would be able to oppose it.

Interestingly, the SLA formed a unique connection for a number of months between all the revolutionary groups in California. And for some reason, they were able to hold this loose alliance together, and that was probably one of the main strengths and the real threat that they posed. Now, there are indications that the Black Guerilla Family is keeping low so that they can get out of the prisons and begin organizing in the streets.

Holiday was arrested in 1974 for a multiple murder in which he was accused of shooting four people, once each in the back of the head, two of whom died. He was acquitted of those charges. During the investigation it was revealed that there was a police surveillance unit watching him at the time he entered the apartment in Los Angeles where the shootings took place. The film

will show an instance when the Mexican Mafia robbed a bank when they had surveillance units of the Los Angeles Police following them at that point, and that robbery was stopped in progress.

The next group I would like to talk about is La Nuestra Familia, also founded in 1967, the same year as the Mexican Mafia, to defend against the Mexican Mafia. La Nuestra Familia means, "Our Family," and is composed of rural Mexican-Americans. They were opposed to the urban Mexican-American who lives in Los Angeles and speaks a dialect we call Spanglish (a combination of English and Spanish), whereas the field hands in Northern California speak very good Spanish, and have a different outlook on life.

The La Nuestra Familia currently is being moved against in cooperative effort among State, local and Federal officials in a task force approach. Rather than attacking individual criminal acts, the approach now is to take this as an organized criminal conspiracy and to move against it with Federal resources. Local police are just not able to deal with a problem that extends across state, and indeed international boundaries.

While La Nuestra Familia will not accept anyone but a Mexican American, La Eme will. La Eme is also, for those who are interested in the ERA movement, accepting women — the only group that does. A member who disassociates himself with La Nuestra Familia or La Eme is subject to being killed.

People from La Nuestra Familia, though, who are turning witness for the State, have picked up the name of Hermit. Various Hermits are currently being protected at locations in California and are providing testimony against the organization. It's the only way they can be kept alive long enough to provide testimony. They require complete isolation if incarcerated and possibly later relocation under the Federal Witness Protection Act where they will be moved to another location and given a new identity.

The La Nuestra Familia has a written constitution, a detailed document laying out the authority of the General, the ten Captains who run the organization, the lieutenants who function under each Captain, and the regimental units. Regiments are usually organized on a city basis, or if in a small area, a regional basis including several small cities. Each regiment is headed by a Captain. One captain in the organization is called the First Captain, and assumes command if the General is killed, arrested, or somehow cannot maintain contact with the group. They have also a separate part of their constitution titled, "The Organization On The Street" — not very innovative in its terminology which establishes the organizational structure for regiments on the street and their subservience to the regiments within prisons. More importantly, they outline for the first time, and this is where the criminal conspiracy prosecutions originate, the stated goal of infiltrating legitimate business as well as illegal business. Each street regiment is ordered to buy so much legitimate business each year. Thus, a percentage of their profit from narcotics and

prostitution must be put into the buying of legitimate businesses, and they are buying into these in record numbers. There is also a main bank which the General controls, and each subservient unit sends portions of its money to the main bank. Each regiment at the local level has its own bank, and this bank finances the buying of weapons (each member must be provided with two guns) and provides the money to buy legitimate business. If, for example, they bring someone from Los Angeles to carry out a hit in San Francisco, he gets his wages and per diem paid out of the bank. It's a very formally organized business — much like working for any legitimate enterprise. They fill out a form and they get the money. One of the things they worry about is embezzlement so they have a system of countersigning checks so that no dishonesty occurs in their banking system.

La Nuestra Familia also maintains three lists which are of extreme importance to law enforcement. The first is a list of all the members with their names and addresses. The second list is equally important because it contains the names of every enemy of La Nuestra Familia. For killing one of these people, a member can get a small increase in rank. The third list is really the primary list, and that is the list of the ten most wanted — the ten biggest enemies of La Nuestra Familia. Killing of any one of these individuals by a soldier, or warrior, (the lowest rank), will automatically move him into the position of lieutenant. The lists are being found by law enforcement, and in this way they are able to protect, or to isolate and prevent some of the homicides from occurring. To date, they haven't targeted law enforcement officers, although the Mexican Mafia has put contracts out on various law enforcement officers at the State and local level in California. None of those have been successfully carried out.

The Family seems to be falling apart at this point. A counter organization called The New Family has emerged which seems to be challenging the authority of La Nuestra Familia, especially since their General, Robert Sosa, is currently in maximum lock-up in Monterey County for multiple murders.

La Nuestra Familia is a very tightly knit group, impossible of being infiltrated by law enforcement. The main reason is that you can't rise in the organization without committing an assault or murder. Obviously, law enforcement cannot get people into the organization so that the Hermits are the only source of information about La Nuestra Familia.

The last group I want to discuss is the Symbionese Liberation Army, which is probably the most unique revolutionary prison gang group that ever emerged in the California system. In many ways its tactics were reminiscent of the Tupamoros, as I have said. The SLA was born at the California Medical Facility at Vacaville through a group called the Black Cultural Organization. At meetings of this organization the inmates were brought into a hall with female companions who were members of the SLA — Emily Harris and others — and

revolutionary rhetoric was read to them for extended periods of time. A very similar thing occurred in New York prior to the Attica and the Tombs riots.

The word Symbionese comes from biology and means partnership or close association and mutual harmony of dissimilar organisms. As discussed above, that's particularly what they were because they brought together for the first time the Black Guerilla Family and the Arayan Brotherhood — an almost unheard of thing. If you can imagine an organization that can tie a white supremacy group and the Black Guerilla Family together and get them to agree on some points, that should be SLA.

The SLA decided that they would borrow their political ideology from diverse sources. Towards the end as they were on their way to prison, the remaining members of the SLA decided that none of our current labels fit them as far as politics went. They said they probably came closest to being anarchist/communist which is almost a completely meaningless term politically. They read the books of Bakunin, Marighela, DeBray and Mao, and merged them all together in a peculiar ideology. That ideology called for political kidnapping, which this country had been spared until Patty Hearst (if you subscribe to the theory that she was kidnapped). That was something again borrowed from the Tupamoros. The other aspect was that they would rob banks to finance revolution, also a peculiar aspect of the Tupamoro movement where banks were the primary targets to finance the revolution.

A major guerilla group in Mexico that was captured in 1971 was caught in a bank robbery. This is the group that had been trained in North Korea and transported back into Mexico where they were supposed to engage in guerilla warfare. They were borrowing from Tupamoro tactics which were very successful.

On November 6, 1973, the SLA carried out their first political assassination, Dr. Marcus Foster, the black Superintendent of Schools at Oakland, California. His crime was that he wanted to require students in his school district to carry identification cards. The SLA said that this was an attempt to identify and register black students so they could be targeted later, and for that Marcus Foster was killed. Joseph Romero and Russell Little were arrested for that crime and convicted.

What are some of the things that we can do to help stop the growth of these groups, to control them, and perhaps return our prisons and jails to normality?

First, we have to learn to differentiate between groups that are interested solely in aiding the system and reforming it — the true reform groups — and those that are there for other purposes. Some of these groups that come in from outside can be of great assistance to a jail or prison administrator in running his system. As a matter of fact, they can do a great deal to prevent dissension among the prisoners. If you put up an iron wall to stop everyone from coming in, you merely create more of a

problem within the system than you had before you started.

Second, we have to work on cooperative efforts between local, state, and federal law enforcement, corrections and probation authorities. The task force approach is the best of all approaches. The prison task force currently in California combines elements of local law enforcement, the State Department of Corrections, federal law enforcement agencies, and the Department of Justice attorneys. Utilizing this approach it is possible to track, identify, and subsequently prosecute people for organized criminal activity or conspiracy. You can't handle it on an institution-by-institution basis or on a state-by-state basis. Hopefully other states will learn from what happened in the California penal system. The film you will see later will point out to you some of the real problems being experienced, for example, in the State of Utah, due to these prison gangs.

A very dangerous group in the State of California is The Texas Syndicate called the Texas Tup. It's a small group mainly from El Paso, and is among the most feared jail gangs in the entire State. The Mexican Mafia is apparently trying to form an alliance with them now to alleviate problems between the two groups. If that group begins to grow, we will have a fifth major group.

We also have to work on reciprocal agreements between states on relocation, not only of prisoners, but of witnesses. Up until now it has been fairly difficult to move prisoners between states. Where you have a concentration of one gang membership in one state, if you could disperse it you would be able to break the influence of that group.

We also have to engage in training activity directed toward our staff. The law enforcement officer on the street, the corrections officer, the probation/parole officer, all must be able to identify the jail gang members. One reason, it might save the individual's life. That's the primary motivation. Second, if these people can be identified and tracked, we can do something to stop their activity.

They were wearing tattoos for a long time, and most of the members are still wearing tattoos. They love to tattoo themselves with the emblem of their organization, but of late we have found that the tattoo is disappearing.

Finally, we have to engage in public education concerning existence of these gangs, how they are operating, and what can be done by an informed public to assist law enforcement. For example, the film you will see was on public television. The second one you will see was done by Don Harris, a 60 minutes film on jail gangs, and was shown on national television twice in prime time in an effort to educate the public to the existence of these groups. An informed public can do a great deal to assist the criminal justice system in combating organized crime.

UNDOCUMENTED WORKERS

Clark S. Knowlton

Although the movement of undocumented Mexican workers, once known as illegal Mexican aliens or wetbacks, into the United States has once again become a major social issue, few Americans, even those resident in the Southwest, are familiar with its origin, history, and socio-economic characteristics. It is such a complex movement that a single lifetime might not suffice to explore all of its ramifications. In this presentation, we shall be content with a brief discussion of some aspects of its origin, history, characteristics, and impact upon the two countries involved.

Origin and History.

The movement of Mexican workers into the United States began with the American conquest of the Southwest in the 1840's. As a result of this conquest, some 76,000 Mexican citizens living in widely separated enclaves were incorporated into the United States against their will. Although the United States promised to protect their civil, personal, and property rights, these promises were never kept. The Mexicans, now Mexican-Americans, were all too often treated as a conquered people. These people shared the language, culture, and social systems of northern Mexico. The new border that separated them from their former homeland was for decades an artificial border across which people, goods, and ideas freely circulated with little government interference. Even today neither the Mexican nor the American government is able to secure the border against the passage of people, goods, and ideas.

The border between Mexico and the United States except in southern California runs through a sparsely populated region that is predominantly Spanish speaking and of Mexican origin. Although there are few borders in the World where such a sharp contrast between poverty and affluence can be seen, the American borderlands are not considered to be a foreign country by the Mexican people. Large numbers of them have relatives and in-laws scattered through the west and midwest. It is easy for them to travel long distances among Spanish-speaking neighborhoods. They are not so distant from their Mexican homes that they can not return to visit their families. Each time they cross the border they become a little more sophisticated about evading detection.

Pairs of twinned cities have come into existence along the border. Almost every American community on the

border has its Mexican twin. Each pair of communities is separated from other twinned cities and from other American and Mexican cities by long distances of sparsely populated terrain. If it were not for the border, the majority of the border cities probably would not exist. The Mexican borderlands are marked by high rates of population increase and by living standards that are among the highest in Mexico. On the other hand, the American borderlands except for southern California are among the poorest regions in the United States and do not have high rates of population increase. In Mexico, people are drawn toward the border. In the United States, they flee the borderlands. Each side of the border, however, has now become economically dependent upon the other side. Government activities that inhibit the movement of people and goods across the border damage the economy of both sides of the border. This situation creates severe problems for Mexican and American government agencies that might desire to tightly control the movement of people and goods across the border.

The economic development of the Southwest began upon foundations laid by the Spanish and Mexicans and was fueled by the early formation of an almost unlimited pool of cheap Mexican and Mexican-American labor. In California during the gold rush, thousands of miners from Sonora, Mexico flocked to the California gold fields and taught the Anglo miners the intricacies of placer and of quartz mining. During the 1850's and 1860's, Sonora miners helped develop the mines and smelters of Arizona. Mexican miners from Sonora and Chihuahua labored during the 1900's for the first time in the coal and copper mines of New Mexico. Even as late as World War I, Mexican miners were imported to labor in the mines of Utah, New Mexico, and Colorado. Without their presence, the growth of the mining industry in the west would have been severely hampered.

In the middle of the 19th century, Mexican and Mexican-American cowboys and sheepherders taught Texas Anglos how to work cattle and sheep in a semi-arid region. Even today the ranching industry in the West is built upon a Mexican model. By the 1890's, thousands of Mexicans and Mexican-Americans chopped and picked cotton from South Texas to the Oklahoma border and east to Louisiana. They even penetrated into the sugar cane fields of that state. As cotton growing spread westward from central Texas to California the use of Mexican and Mexican-American workers spread with it.

By the early 1900's, large numbers of Mexicans were freely crossing the border in search of seasonal and of permanent employment in the United States. The railroads were largely responsible for distributing Mexican and Mexican-American workers through the west and midwest. By 1910, Mexican railroads had established five links between the border and Mexico City. Because of the sparse population of northern Mexico, the railroad companies drafted large numbers of workers from central Mexico. These trained workers found ready employment at higher wages with American railroads. By the end of the 19th century, the majority of section crews and work gangs on western and midwestern railroads were Mexicans. Piling up in railroad division points, they easily moved into industrial employment.

Improvements in mining technology, the Reclamation Act of 1902 that enables the Bureau of Reclamation to build large irrigation projects from South Texas to California, the expansion of fruit, sugarbeet, and vegetable industries, and accelerated urbanization in the Southwest drew into the United States the first major wave of Mexican workers. This movement was accelerated by a decade of bloody civil war in Mexico that drove over a third of a million Mexican refugees across the border into the United States. A substantial number of these never returned home.

When the United States entered World War I, a labor shortage in agriculture soon developed. Thousands of Mexican workers were brought across the border to harvest crops and to labor in construction and on the railroads. The importation was believed to be temporary as it was thought that the Mexican workers would be replaced by veterans once the war ended. The veterans, however, preferred the bright lights of the cities. The Mexican workers remained and were reinforced by the second major wave of Mexican immigrants. By 1925, Mexicans made up from 65 to 95 percent of all farm workers in the upper midwest. An additional quarter million Mexican workers and their families were supported by railroad employment. Heavy industry in many sections actively recruited Mexican labor from across the border. An important industry operated by Americans and Mexicans came into existence to recruit and to transport Mexican workers from Mexico to areas of employment.

The flow of Mexican workers into the United States was temporarily stopped by the depression of the 1930's. Thousands of Mexican workers returned to Mexico, and more thousands were forcibly repatriated by American welfare agencies little concerned with the citizenship or the civil rights of the repatriated. Because of the depression, more Mexican workers left the United States during the 1930's than entered.

But the situation soon changed with the coming of World War II and another labor shortage in the United States. The Mexican and American governments cooperated with the recruitment and transport of contracted Mexican workers known as braceros. The Bracero

program, a temporary war measure, survived one world war, a major police skirmish in Korea, several national administrations, and countless political skirmishes in its existence from 1942 to 1964. Under the Bracero program several million Mexican workers were brought into the United States to work in agriculture, on the railroads, and even in industry.

Not only did the United States eagerly recruit Mexican workers but it also encouraged the movement of many thousands of illegal Mexican aliens or undocumented workers across the border against the will of the Mexican government. The government participated in the massive violation of its own immigration laws along the Mexican border during the 1940's and early 1950's. Thus the national government was responsible for creating the problem of the wetback or undocumented worker that has reached such serious proportions today.

As public concern mounted in the United States over the flood of undocumented workers entering the country in the early 1950's, the American government finally in 1954 authorized the Immigration and Naturalization Service to close the border and rounded up undocumented workers in the country. Well over 100,000 such workers were picked up and sent back across the border. The government proved that if it had the will to do so it could contain and resolve the problem of the illegal Mexican alien or undocumented worker. The number of undocumented workers entering the United States was quite small throughout the rest of the 1950's and the early 1960's. But national concern soon shifted to other subjects and the number of undocumented workers began to increase steadily as the 1960's wore on.

The bracero program was an eye opener for massive numbers of Mexican workers. They learned about employment opportunities in the United States, acquired a little English, and became very familiar with the habits of the Immigration and Naturalization Service. The bracero of yesterday became the undocumented worker of the late 1960's and 1970's. Along with the former bracero came his friends, relatives, and neighbors.

From 1940 to 1960 the population of Mexico increased from around 40 million to 60 million. Today the country has one of the highest rates of population increase in the world. In spite of a high industrial growth rate, unemployment is increasing in both rural and urban Mexico. The majority of the current Mexican labor force cannot find steady employment at even subsistence wages. Economic and political conditions in Mexico are deteriorating. Survival for an ever increasing number of Mexican workers means following the north star. It is doubtful that Mexico even with its new oil revenues can substantially reduce either poverty or unemployment in the rest of this century. It is also equally true that unless the American government develops the will and invests more resources, it will be unable to contain the movement of undocumented workers into this country. In 1952 it became a felony for an illegal alien to enter the

United States or for someone to assist him across the border, but it has never become a felony to employ one.

Socio-Economic Characteristics

The vast majority of undocumented Mexican workers who enter the United States are young, poor, ambitious males, the very kind of immigrant sought in most of our history. The majority come from rural Mexico although more and more are coming from Mexican cities. Although the majority stem from the over-populated states of central Mexico, the Mexican border states such as Chihuahua are contributing more now than they did before. The levels of health, education, and skill seem to improve with each generation of undocumented workers. The majority now seek employment in American cities rather than in agriculture. They do return home for the most part every year or so, but many remain. They prefer to live in anonymity and avoid attracting the attention of any government agency including welfare. Their involvement in criminal activities is rather low.

There are other categories of illegal border crossers entering the United States. For example, large numbers of Mexican women cross the border illegally to find employment as maids in American homes. Carefully protected by their employers, they are seldom caught by the personnel of the Immigration and Naturalization Service in the Southwest who employ them also. The women are accompanied by substantial numbers of Mexican men who also cross the border illegally to work on the American side. Protected by their employers, they are not often caught. Then their Mexican children also cross the border illegally to attend school on the American side of the border. They will either live with American relatives or provide school authorities with rented or fictitious addresses. And finally there are the many millions of Mexicans with legitimate border passes entitling them to shop and to visit within a certain distance of the border. It is so easy for them to mail their cards home and to penetrate deeper into the United States in search of employment. They are accompanied by their relatives known as green carders who have secured permanent visas for residence in the United States but prefer to live in the Mexican border towns and work in the United States which they can legally do.

A significant criminal subculture exists on both sides of the border. Although the more profitable activities are probably the smuggling of aliens and drugs into the United States and guns and ammunition into Mexico, there are many professional criminal groups comprising

both Americans and Mexicans active in burglary, car theft, and other criminal activities on the American side of the border.

The Economic Impact of Undocumented Workers

For Mexico, the undocumented worker provides important foreign exchange, reduces unrest, drains off potential revolutionaries, and raises the standard of living of many poor families. For the United States, undocumented workers provide low cost labor for many industries and farmers. Undocumented Mexican workers do take the jobs of unskilled Mexican American, Black, and Anglo workers in the Southwest and neighboring regions. They are responsible in part for the high rates of unemployment, the massive poverty, and the low wage rates in the American borderlands. The limited industrialization is also responsible for the above. The pressures upon wages exerted by undocumented workers forces thousands of Mexican American workers to flee such regions as South Texas for life in other sections of the country. Whether undocumented workers consume more government services than they pay for in taxes is still an unresolved issue.

Considerations and Recommendations

It is doubtful that any American administration because of domestic political pressures and international considerations will be willing to prevent the passage of undocumented workers into the United States. It is equally doubtful that the Mexican government would now cooperate in such a venture. If employers of undocumented workers could be penalized without hurting the Mexican American, then the flow of undocumented workers might ebb. At the very least the government ought to assist low income Mexican American and other workers through programs of resettlement, vocational training, and income maintenance. Border school districts need compensation for the presence of so many illegal school children. It should always be kept in mind that undocumented workers in times of prosperity and war have been induced to come into the United States. It is only in times of recession and high unemployment that they are viewed by the public as a serious national problem. Although many do remain in the United States to increase our population, the majority return home to Mexico. Those who do not become good American citizens.

67813

PROSPECTIVES: MUNICIPAL AND FEDERAL LAW ENFORCEMENT

Clarence Kelley

I want to talk about a number of things and to give you some ideas about the problems encountered in the field of law enforcement. It has been my experience that the more mistakes you make, the more you learn; and I am confident that I've made most of the mistakes. I know that in one office where I was assigned, the agent in charge was particularly adamant about making no mistakes, or at least as few as possible. One man was continuously making them, and so the agent in charge called him in and said, "Now, why is it that you have to make so many mistakes?" He replied, "I make mistakes only one at a time, and I don't have any problem after I make a mistake, I don't make it again." But the agent in charge then said, "Well, why do you have to make all of them once?" So, that's probably what you have before you today — someone who has made most of them once.

Probably the most difficult thing that I encountered in the field of law enforcement was to indoctrinate the officers in the philosophy of "change." You have in the first place, in the great majority of the cases, a very conservative person who enters law enforcement; someone who has been raised in an environment perhaps that is very isolated and not oriented toward much of an interchange. Usually they are people who are rather stereotyped in their opinions. I was asked one time, "Why don't you hire more liberals for law enforcement?" Well, I never had a liberal apply for a job, and I certainly don't recall ever having denied a person who was just a little liberal a job, but they're just not interested in it. The more conservative person is drawn toward this field.

I have had three different careers: as an agent, then as a chief of police, and then as director of the FBI. I went from an agent on through until I retired. I was agent in charge of an office. As a matter of fact, I was assigned in Houston at one time, and ended up as the agent in charge in Memphis, Tennessee. That organization at the time of my departure, had about 6,000 agents throughout the entire country that were banded together in a very tight circle. They were members of an organization that had been touted for years as practically supermen. Few of you are old enough to know about some of the things that occurred in the early history of the 30's and 40's, which gave them a tremendous reputation. This was the era of the roving bandit, the big-time hoodlum so to speak: Pretty Boy Floyd, Dillinger, and all of that guild; and, the FBI was very successful in bringing them to the court, bringing some to their death, Dillinger, for example, and a great deal of publicity ensued. With the

advent of kidnappings, they were again very successful. As a matter of fact, it still remains as highly successful. During the period that I was director, 5 years, we only had two kidnappings that were not successfully solved, but, even on those we had a pretty good line. In the field of kidnapping, of course, there's a great deal of publicity attended to the kidnapper. This brought a great wave of publicity, and the FBI became known as the "G-men" from a statement made by a hoodlum who was being arrested, a fellow by the name of Machine gun Kelly, who said, "Don't shoot, G-men," and that, of course, got a great deal of prominence.

In the 40's, with the advent of World War II, an additional wave of popularity and a great deal of affection arose about the FBI. The president at that time invested in the FBI a great deal of authority; authority which included the use of some techniques now highly criticized such as the wire tap and the microphone. They got into a field of espionage which, of course, is very powerful. They had some amazing cases develop. Despite the fact that at the time when we first were interested in it, about 1938, there really wasn't any knowledge or background in the FBI for this kind of work. They sent a couple of men to England and learned there how to handle cases. I came in 1940 and I remember how astounding the amount of knowledge was that had already been developed. During World War II, some of the cases involving espionage were great cases. They received a great deal of publicity all of which was continuing to build this record and the reputation of the FBI.

Then, of course, they had the saboteurs who came to the Eastern shores. Shortly after they arrived, information was obtained by the FBI concerning their arrival, and all were captured. Again, a tremendous, successful operation. After the treaty of surrender was signed and peace came to the United States, there was somewhat of a lull. I had left the FBI for a period of time and returned, and things looked a little bit down at that time. There wasn't enough work even for the agents, but they soon got more work and as time rolled on, more and more came to them. In the 50's the domestic security field became quite prominent in the work of the FBI. With the rise of some of the groups such as the Ku Klux Klan, a great deal of stimulation and publicity aroused for the agency. During that period, there was no one who would challenge the FBI including the president. We put out a press release that was accepted *per se*.

Nobody ever said anything about "Well, how did you happen to do this?" The people in the press seemed to be very grateful just to get the tidbits that they got. So you had them at the peak. I left in 1961, and at that time they were still on the ascendancy. It continued for many years thereafter.

The man who controlled it, the bureau at that time, of course, was Mr. Hoover. J. Edgar Hoover entered the FBI from the Department of Justice where he was an Assistant Attorney General. At an early age, 29, he was given complete authority over the organization. Harmon Fisk Stone, the Attorney General, gave very few barriers insofar as how far-reaching his authority would be. Mr. Hoover was a man who was quick to understand a problem and quick to give a solution. It was usually a solution which bore chiefly on strict enforcement of the law. It also became obvious that during the period of time when the Bureau was receiving so much of its publicity that this was a good thing; the more publicity you got, the more receptive Congress would be when you went in for your budget request. As a matter of fact, during the period that Mr. Hoover was director, 48 years, there was not a year that he was not given the budget that he requested; and in the latter part of his career even would be asked after he presented his request, "Mr. Hoover, don't you think perhaps you might need a little more?" On one occasion he was even granted enough money to hire 1,000 additional agents because of a problem which seemed to be rising. He had a tremendous record. The record and the reputation of the Bureau was tremendous. Everything was wonderful, and then ole Kelley left the FBI. I left the FBI, when things were in complete control, to go into local law enforcement.

I relate these things just to show how these changes sometimes are troublesome. I can recall the day I was asked to go to Kansas City. I submitted my resignation, had a few days to spend before I reported, and I spent a day and a half with the Memphis Police Department. I thought by virtue of that experience I had learned all I needed to know about local law enforcement. I then joined the Kansas City, Missouri Police Department, spending 12 years which were delightful years inasmuch as it was such a wonderful thing to be a part of a very strongly changing organization. One of the ones which has been most noteworthy has been the patrol study conducted by our department. We didn't think that the patrol car was quite as strong as a deterrent as was thought to be, and I knew the study would be quite costly so I went to the Police Foundation. They at that time had about \$35,000,000 and they were going to devote \$5,000,000 to some of these projects and they turned me down. Since the Kansas City, Missouri Police Department and the department that the director was a part of, St. Louis, both were rich departments and worked under the Missouri Governor and had good budgets, I thought we'd just try it ourselves. I called the Police Foundation and said, "Well, we're going to go ahead." Well, that stimulated some interest from them

and they sent a man down to inquire about it. It ended up with them deciding that they would open up another avenue of funding and they did then fund that along with some help from us. We learned a great many things and I'll talk about some of them later, but it was most apparent to me that the most difficult thing was the matter of change, changing an organization which was very traditional, an organization which had been steeped in some thoughts that were archaic obviously — they were not in any sense of the word community related. As a matter of fact, they felt very isolated; they always thought that really no one would know anything about police work unless he were a policeman; that you couldn't go to industry and get any help; you couldn't go to management; you certainly couldn't go to a university because all of them were kooks, nobody listens to anybody who went to college. At the time I entered the, Kansas City, Missouri Police Department, there were just three college graduates. So, obviously, it was going to be difficult. But I found it to be a very interesting thing, again, the matter of changing their minds and molding them into a more inquisitive attitude.

Then I came back to the FBI. Strangely enough, we reverted back almost to the same type of condition that existed when I left to go to the police department. They had made very little progress; they were not inquisitive; there was a rumbling of distrust; and the next few years were years of strife and travail, I assure you. I don't think there is anything that anyone can experience any more traumatic than something like Watergate where from a very highly-touted, almost-worshipped organization, is turned into an organization that became the target of almost all of the news media. Almost every reporter who wanted to eventually write a book would try to pick out a facet. Things which we thought never would occur did occur. It was necessary to revise the organization in order to restore credibility. Again, a difficult job, because here we had a record in the organization of great success, and you were constantly met with the statement, "Why change? We work at the top. We're not the ones who are wrong. Those other people are the ones who are wrong. We don't need to change. What we need to do is to change them." Well, of course, that's a natural inclination. So, despite the opposition, there had to be some changes there; and I assure you that if you ever undertake that, do it very carefully because there are so many pitfalls and so many problems. But change in itself is absolutely necessary; you cannot progress without change. I feel that now the credibility of the organization has been restored. I do feel that they are targeting themselves in a better way much more effective.

Then there's the matter of management, what you've found to be the best. I know that I have always felt that participatory management under proper control works very well in law enforcement. There's been a book just written by John Elton. My wife is going to let me read it after she finishes it, and it speaks of the period of my administration insofar as management and the changes that were brought to bear in the FBI; and he makes a

couple of cracks about participatory management. I frankly don't believe that he understood just what we were trying to do with participatory management. I have used it consistently in Kansas City. I found it very helpful. Asking, in other words, for the opinions of people within the organization, and gleaning from them the best and using that as a basis for the development of plans and the things we wanted to do. In the old FBI where Mr. Hoover was the director, they had some votes. There's a famous vote that was publicized within the FBI. The organization at that time had a staff of assistants of about, I think, 13. When I was there, it had risen to 18. They had a vote on the matter. The vote was 12 to 1 — 12 for and one against, and the 1 voting against was able to prevail. It was Mr. Hoover. Participatory management is a little different from that. I do subscribe to that and say that welds together what sometimes is a loosely-knit organization into something which is pretty resolute after they make the determination. It's felt that everyone has his opportunity to make his contribution.

The next thing insofar as police work is concerned, and incidentally the FBI, is discipline. I believe very definitely it has to be fair, firm, and final. I don't subscribe to the heavy hand and I don't subscribe the weak hand, but I say that there should be some determination as to what should be done. One of the main problems in the field of law enforcement is what is thought to be the unfair handling of disciplinary problems. You have to have discipline within law enforcement. There's no question about it. Many times there are some appeals from various disciplinary-action things that ask why do you have to do that? Why must an officer be subjected to this type of thing? It's because it's close to a military organization. There has to be control. I can recall many times when there would be some real difficulty and the officers would together decide that there was something wrong here and they would be behind the department in a disciplinary action taken because they felt it improved their own stature to make sure that something was done. Discipline has to be established and should be easily determined.

Another thing that is most important is planning and research. When I first came into the field of law enforcement, there was none. As a matter of fact, it wasn't until I got into the police department that I even knew there was such a thing, and we didn't get one in the FBI until shortly before I came aboard. Planning and research certainly is one of the things that is the core of the process of change and the development of ways whereby change can be brought about. Further it makes a determination that you can't depend entirely on precedent. Again, with a question you can get an answer and you can find out what's going to work by virtue of the fine research that these people can do. You certainly don't need to re-invent the wheel, but again, don't go blindly into a situation. Through the use of a good planning and research bureau, you can get help.

Many questions are asked about how many people do you have to have. Well, I don't think there is any scale

that you can use. It's entirely upon the condition of your department, and so it is with almost any business. These processes of planning and research can be used in any business, any industry, and as a matter of fact, are. I know that in our department there were 22. On the other hand, in one of the large Eastern cities, there were only 15. I don't know how they got along with that few, but we felt that it was so important that they had to be local.

A problem which is always acute is dealing with the press and the other media. I suppose that among all police and federal law enforcement officials, I have had more to do with the news media insofar as relationships and development of some sort of rapport, and probably with the least substantial success. So I can tell you that I tried mightily. I think that we're getting a philosophy now which is a little difficult to handle, and that is the feeling that everything that is of public service should be of public knowledge. I've been asked many times about matters which the inquirer, a reporter, knows I could not respond to because it was a matter which was then pending. Nonetheless, they would still ask it in order to record my response, "I cannot answer that because of the conditions prevailing in the case; namely, that is now under investigation," and they still would go through that ritual in order to get that statement. Also, of course, they have to have the inquiring reporter; and it can be very beneficial to a public organization, particularly a police department or a federal agency. A most important matter in all levels of law enforcement is cooperation. Vic Strecher was mentioning the other day about some of the things that we had done in our area in Kansas City. There's a general philosophy among police departments that they should go alone. They should not rely on others nor should they make any donations to any other. In other words, stand alone. That is the most atrocious philosophy or reasoning that you can ever engage in. I have felt firmly and still feel that when you have a large city and nestled around it are several smaller cities, suburban areas, the large city will in all probability contribute to most of the crime within the small areas, and they owe them a great debt of cooperation. They contribute to the difficulties of the suburban areas, therefore, should help them. Now this is a philosophy which I think pays off in many many ways. One of the things we did was to build an academy to which anyone in the metropolitan area of Kansas City could send their people for training. It was, at the time I left, 22 weeks in length. They could take all 22 or they could cut down to about 11. We had a metro squad where when a major crime occurred, we could call upon this squad for assistance anywhere in either state where the crime had been committed. We had a tremendous rhubarb over the matter of jurisdiction. We had some fellows say you couldn't possibly do that. Of course, if you have a murder in Kansas, which is cantankerous to Missouri, and you have a Missouri officer over there, how can the Missouri officer do anything? Well, it was handled with a very simple process and that was to put a Missouri officer

with a Kansas officer. In any arrest that was to be made or any search that might be made, anything that demanded local jurisdiction, the officer from that state could handle it. It also knit the officers from the entire area into a tight circle and gave each one of them a possible source to which he could go for cooperation in the other department. They formed thereafter an association of officers, an association of chiefs, and they got together in such a manner that it was in truth a "togetherness" type of operation. There's nothing better in law enforcement than the close cooperative ventures that we have. In the federal level, there now is in the DEA and the local police getting together on the drug problem. While I was in Washington, we got together with DEA and helped them in some squads that were formed in several cities. It is something that is better recognized, I think, now than ever before, but still not extended to the length that it should be.

There's also in the field of law enforcement a general reluctance to report what's occurring in your department. By virtue of my experience and mistakes, I will tell you that any police organization, be it the FBI or local, should keep administrators of your city, county, state, or federal government informed about what you are doing, keep the public informed. They may not print it if you give it to the papers, but much of it they will. Keep them informed about what you're doing and keep your own people informed. Let your own officers, for example, know what's going on. I remember after the death of Martin Luther King, they had a parade scheduled to commemorate Dr. Martin Luther King in St. Louis. I know this to be true because the chief of police told me, but he didn't have any part in it. They said we're going to have a parade and we want to show that we on the police department will be sympathetic to them, so we're going to have some black armbands that we'll give to all of the officers. They said, you in the administrative staff go down and tell your folks and have the platoon sergeant tell the officers. Well, they did pretty well down to about the third level. When finally it got down to the platoon sergeant, he brought a box in full of these armbands. He spoke to the officers, in every instance, I understand, and said, "Put these on and wear them when you are out there with that parade." There was resentment from some of them for not having known the basis for this. It was a good idea, but it kicked back because they had not had the explanation given them about the reason for it.

Always remember in this world and particularly in the police department there are no secrets. If you want a secret, don't tell anybody but yourself. I can tell you that. There was a man who had written a book very critical of one of the agents in charge of the FBI and a case which had received great notoriety. It angered the hierarchy of the FBI, particularly Mr. Hoover, who called in this man's boss and told him that this fellow was this, that and the other including he drank too heavily and he chased around. As a result, this man was chastised somewhat and he resented it deeply. When

the Freedom of Information Act was enacted, he asked for his file and he found in that file that there had been a memorandum or two prepared wherein Mr. Hoover had outlined what he had told to this man. So he came to me, the Freedom of Information Act having not been actually used for several years after enactment and said, "What about now? How do I stand with the FBI?" Well, I said this was a new day. We're not going to hold anything against you which you did or said before. We're going to start from right now and you'll be dealt with the same as anybody else. He said that sounds fair to me, left, and about a month later, in came a request for a re-review of his file, bringing it up to date including the memorandum that I had written about our conversation. Well, I had believed myself when I said there are no secrets. So I had written a memorandum which faithfully recounted what we had said. I heard no more from him after that. He didn't improve any insofar as loving the FBI, but at least I had learned by that time the fact that there are no secrets.

You say what about the informants situation? One of the main instruments of knowing what's going on, developing intelligence, and solving a crime, of course, is through the use of informants. Informants are dear people. They should be coddled. They should be developed. You're getting to the point now where it's extremely difficult to make a case. The informant remains one of the very few things that can be used. We had a case involving Ezra Pound, who went over to Europe for his declining years, but was Communistically inclined for many years. In that file we had 22 informants, and we excised the name and supposedly any descriptive item of the informant which might give some idea of who the informant was. Then there was a request for the file by one — a student who was writing on Ezra Pound. This man had become such a student of Ezra Pound that when he got the excised file wherein the 22 informants had been hidden, supposedly obscured, he was able to identify 21 of them. So, you see you can excise, you can delete, you can do this. I think the better plan is there are no secrets any more, and that applies to the operations of the department. Many things that you think would keep this under wraps just won't work. It'll come out some way or another.

But what about the whole thing in general? What about the conditions of law enforcement now? What about the future of law enforcement? I sincerely feel that right now we're entering into an era where we've got the best prospects of doing the job properly than we've ever had before. Yes, we've had some setbacks, some contamination given to some of the procedures that we had before, justifiably contaminated, and we can operate under the conditions we now have so long as we manage properly, so long as we keep our eyes open, so long as we do it the way that it should be done. I suppose again one of the more difficult things that I've encountered was the matter of getting over to the people in law enforcement that you can use ideas from industry and business; they will adapt well to law enforcement. I

think that's been accepted now. There's more of a crossover between industry and business. Particularly in the development of equipment, there's a great deal of exchange. I think that law enforcement is now and will increasingly be a very exciting field. I don't mean because of the arrests that are made or because of the glamour that's a part of the organization. It's because of the many, many challenges. Things can be done which will be greatly beneficial to the future of this great country. Many things can be done by the officer in his daily work, his interchanges with the people, with the development of a philosophy that this is, again, a great country. We can only survive in an atmosphere of freedom and an assurance that the dignities of man be observed if we work together, if there's an understanding. Unfortunately, we're having a rise in violent crimes. I don't suppose anyone in the field of law enforcement abhors violence more than I do. I think it's a terrible situation where we continue to have this occur. Hopefully, some day through some medical process something can be done, perhaps through some sociological revision of our present proceeding — I don't know what. Something has to be done to stifle that rise in violence, but I do think that in law enforcement now, they have the capability of developing something like that.

I have been privileged to talk with some of the men in the corrections field. They've got some good ideas. I don't think they despair as some people do of the idea of possible rehabilitation. I think perhaps just by teaching

people, as they have here in Texas, a craft, that's going to be a great help. Much is still to be done in the field of criminal justice, and it will be a very exciting thing. I have during the past year and a half been at many universities, and the growth of the criminal justice departments of universities has increased greatly. The student body, both peripherally and directly, has increased. The type of instruction they are given has been much improved over the past. The great question that arises at times while I'm discussing this is whether you need to have a practitioner teach or whether you can have the academic. Well, I think you can have a combination, and I think that certainly the academic can give a very fine background with a little smattering once in a while of those who have had some experiences is very fine. Whatever it be, I think also that you're going to find it will pay more money. I think it's beginning to be recognized that, by virtue of the proliferation of the unions, that they've got to get some firm base for a good pay scale. I don't subscribe to unions in police work. As a matter of fact the officers many times do not want to do that, but the only way to get their demands is sometimes to do that very thing. Ignored many times by those to whom they present their problems, and they can no longer be ignored, they must be recognized. But it's a wonderful field and I'm very happy to be here to participate in this which hopefully will bring, through the fine faculty you have here, many of you into this field because you're badly needed, I can assure you that.

CHILD ABUSE RECOGNITION AND INVESTIGATION

James Mead

Child Abuse hurts, in fact over 2,000 children will die from child abuse and neglect this year. Headlines glare the tragedy of abused children, and still the problems grows to involve 1 in 5 families in this country. Generations of law enforcement officers and social workers have struggled with the problems of abuse and neglect, fighting to keep up with the every increasing case loads. The Federal government has dramatically increased its grant funding through both the Department of Health, Education and Welfare and the Law Enforcement Assistant Administration, and the problem still grows.

The search for treatment modalities has been directed towards convicted abusers, attempting to remediate a problem that has already occurred. This bandage process of treatment after the fact may soothe society's conscience but it fails to protect the children. The bandage process does nothing to stop the ebb tide of abuse flooding this country.

In recent years some innovative programs have been implemented to treat the child victim. Play therapy and youth rap sessions may work to help the child resolve their problems, but simply don't help erase the memory of pain and anguish. Is it right to interfere in "family" affairs; does society have the right to dictate discipline formats? Where does parental discipline leave off and child abuse begin?

Law enforcement seems to be an unlikely candidate for leadership in what experts consider to be a social problem. If child abuse is a problem 24 hours a day, the solution must also be available 24 hours a day. No other agency is readily available, no other agency is trained in the collection and preservation of evidence and very few agencies handle the daily variety of social problems law enforcement does.

Hard nosed cops aren't social workers! Why should they lead the battle to solve this social problem? The answer is that the foundation necessary to protect the child and direct help to the parents begins with a thorough investigation conducted by a knowledgeable law enforcement officer. Without a professional investigation, without due process, how can we mandate protective shelter for children and treatment for their parents. Due process is the constitutional right of every person, guaranteeing a fair trial with adequate legal counsel. We need social and human services to provide treatment and counseling after the facts have been collected and investigated and preserved for presentation, if neces-

sary, to the courts. Not every case needs to be presented to the trier of facts. When we bypass the criminal justice process and rely on the voluntary cooperation of the suspect, the system may become the abuser. Voluntary treatment is better. When, however, treatment fails, when the parents don't show up for appointments, we can't mandate treatment or protection for the child without first providing due process. Due process without proper professional investigation fails and the child frequently has to be abused again so we can start over.

The helpless child victim need not be a victim again if we conduct a thorough investigation every time. Investigation and collection and preservation of evidence does not mandate prosecution but does allow for prosecution if voluntary treatment and social programs fail. The challenge to law enforcement today, your challenge, is to achieve the highest degree of training possible and to then provide leadership for community councils, multi-disciplinary teams, and child abuse prevention councils.

The response of law enforcement must not be limited to reported cases but should include observations in reporting during family disturbances and other family crises situations. Traditional stereotypes of abuse must be wiped out and replaced by the understanding that child abuse occurs within all segments of society. Rich or poor, educated or not, socially prominent or unknown, your friend, your neighbor, nice people and not so nice people, anyone might be an abuser. Inflicted trauma can occur anywhere on the human body but is more frequently found on the back of the body. Accidental injuries most commonly occur to the front of the body because we have body defense mechanisms forward, i.e., hands, elbows, knees, but we have no natural defense mechanisms if we fall backward. Therefore, accidental injuries frequently happen to the front of the body and non-accidental injuries frequently happen to the back of the body. This does not preclude, however, injuries in any part of the body as a part of the child abuse process.

PRELIMINARY INVESTIGATION:

If in your opinion, or a doctor's opinion, there is a possibility that any injury may have been caused to a child and not self-inflicted or accidental, you should ask the following questions in order to determine if further investigation is needed.

Questions About The Child:

1. Do the child's injuries match the explanation of the parent?
2. Is the child sickly, retarded or in any way different from other children in the family?
3. Does the child react normally to pain or treatment?
4. Is the child withdrawn, shy or afraid of adults?
5. Has the child been the victim of abuse or neglect before?

Questions About The Parent:

1. Are the parents either very unconcerned or overly upset about the child's injuries?
2. Is the family in a stress situation, i.e. marital problems, money problems or job problems?
3. Was a parent abused or mistreated as a child?
4. Do the parents have relatives or good friends that could care for the child tonight?
5. Do the parents react with hostility when asked the above questions?

These are preliminary investigation questions to give you a concept and understanding of where the child is and where the parent is. Your reaction and the parent's reaction should be weighed carefully to decide whether investigation is needed.

INVESTIGATIVE CHECKLIST:

If your preliminary investigation and questions about the child and about the parent have lead you in any way to suspect that child abuse might exist, then we suggest that you follow the following checklist of investigative concepts and ideas at the earliest possible point of the investigation.

1. A full body inspection from head to toe, listing all cuts, bruises, lumps, scars or other indications of any type of current or pre-existing abuse.
2. Full body inspection as above for all other children in the family.
3. Full photographs of every room in the home.
4. Complete diagrams of the victims body, listing all injuries on the diagram much the same as a crime scene investigation diagram.
5. Statements of all residents of the home taken separately and as soon as possible, including all children.
6. Doctor's statements, including (1) list type of injuries (2) number and quantity of each injury (3) list or describe the child's overall condition (4) list doctor's assessment of the parent's reaction to treatment (5) list doctor's assessment of the parent's reaction to the child's injuries or condition (6) does the doctor believe the parent's explanation of how the injury actually occurred.
7. Get teacher's statement of any injury seen or suspected. This would include sunday school teachers, nursery school teachers, any other

teacher or person such as babysitters having responsibility for the child.

8. Look for a pattern of absences from school.
9. Get babysitter's statement on condition of the home, or any other injuries that she or he has seen to the child.
10. Get statements of any close relatives or friends who regularly visit the home or have contact with the child.
11. List any change in the child's mental attitude or response to adults while away from the parents or in protective custody.
12. Have long bone and skull series x-rays taken as well as chest x-rays, look for any previous untreated or unreported fractures.
13. Have the doctor examine the genital area for bite marks or other signs of assault, including abrasiveness, rupturing, tearing or any signs that might indicate some type of sexual advance toward the child.
14. List the condition and quantity of the food available in the house.
15. List objects, drugs and other situations that would be hazardous or life threatening and easily accessible to the child.
16. Ascertain, if possible, prior history within the family of abuse or neglect.
17. Ascertain when child was last seen by a doctor and why.
18. Remove child from the home if there is any indication that the child is endangered in any manner.
19. Take into evidence any object used to cause injury.

WOUND IDENTIFICATION:

1. Bruises: What to look for.
 - a. bruises that are different colors.
 - b. bruises to the back, buttocks, and back of legs.
 - c. bruises in groups or patterns.
 - d. bruises that are not common for the age and activity level of the child.
 - e. defense wounds to the back of the arms and hands.
2. Lacerations: What to look for.
 - a. loop type lacerations from belts, straps, and extension cords.
 - b. lacerations to the back side of the body.
 - c. series or groups of straight-line lacerations or whelps.
 - d. overlapping injuries on top of previous injuries.
 - e. Scars from previous injury.
3. Head injuries: What to look for.
 - a. black eyes.
 - b. split lips.
 - c. any series of lumps to the head.
 - d. loose teeth.
 - e. egg shell skull fractures.
 - f. facial bruises.

4. Sexual assault: What to look for.
 - a. check all abused or neglected children for possible sexual assault.
 - b. look for mouth or bite marks near the genital area or the mouth.
 - c. look for parent with low I.Q. or severe education deprivation.
 - d. parent who insists child is being punished by God.
5. Burns: What to look for.
 - a. emersion lines.
 - b. demarcation lines or outlines.
 - c. burns to the buttocks or privates.
 - d. a child with a toilet training problem.
 - e. burns to the hands (punishment for playing with matches).

INVESTIGATIVE TECHNIQUES:

Photography: All abused and neglected children and their circumstances should be fully photographed in color. However it is good practice to take photographs also in black and white. Some courts have ruled color photographs of injured persons as inadmissible because they are liable to prejudice a jury. In order to avoid that issue, a duplicate set of pictures in both black and white and color, is both advisable and necessary. Photography of injured persons, particularly children, is a specialized field and some care should be used such as follows:

1. Photograph the child with natural light or other fixed light source. Avoid using flash cubes or strobe attachments. This type of instant lighting has a tendency to flash back at the camera and thus giving a "white out" effect that sometimes ruins the value of the photograph. Caution: Do not take color photographs beneath fluorescent light fixtures. These light fixtures add a yellowish cast and have ruined the medical evaluation necessary of the photographs.
2. A close up lens is highly recommended with photographs being taken with a standard 35 mm camera.
3. A technique using standard 35 mm infrared film will work to age date bruises and is an extremely valuable tool for the identification of bruises on extremely dark pigmented children.
4. Photographs should be taken with some point of reference showing size, such as using a yardstick or some other object of known size like a pencil or pen.
5. If the object or instrument of attack is identified, such as ruler or extension cord, lay it along side the actual injury and photograph the two together.

Collection and Preservation of Evidence: Most child abusers use some form of instrument to attack the child or the child is tossed against a wall or slung against a door. In these incidences, impressions can be made of

impact points on walls. Physical evidence such as electric cords, sticks, switches, or paddles is frequently found on scene in the child's home. Once identified, photograph such evidence in its location where found and adjacent to the injuries on the child. The use of manikins, dolls, and other life-like forms such as dress forms can be used to illustrate how injuries occurred and the position of the child and/or parent during the time of attack. This type of demonstration aids the investigator in determining exactly the type of occurrence and situation surrounding that occurrence, and becomes a valuable tool in presenting that evidence in court.

A neglectful or "unfit" home is more frequent than actual physical abuse. We sometimes limit our investigation to photographs and a report narrative that simply says "the place was filthy." We must present the trier of fact with physical evidence in order to demonstrate the health hazards to the child.

Trash that has accumulated contains empty food containers that have imprinted age dates. Collecting these empty cartons and placing them in evidence shows the court that this condition is not temporary, but chronic. The neglectful home usually has human and animal feces lying around. Collect this evidence in round one half gallon ice cream containers with clear plastic top and seal it with tape.

Photographs of neglectful homes should include pictures of all of the rooms in the home. Take pictures of empty food cupboards, clogged toilets, clogged sinks, trash and garbage, children's beds, exposed electrical wiring, and other areas or items that might affect the health and safety of the child.

GLOSSARY OF TERMS

ACCIDENTAL TRAUMA: An injury that occurred without the intentional actions of a second person.

CRYING BABY SYNDROME: Babies that cry over extended periods of time cause problems for their parents and themselves. Retaliation injuries like bites, pinch marks, and fingernail lacerations are common.

DEFENSE WOUNDS: Wounds to the back of the arms and to the hands while attempting to protect oneself from attack.

DEVIANT BEHAVIOR: Any actions that an adult feels need correcting or punishing.

DIPPING: When the buttocks of a child are lowered into a hot liquid; usually related to a child that is not potty trained.

ECCHYMOSIS: The healing process of bruises usually evidenced by bruises that are different colors.

EGG SHELL FRACTURE: A fracture to the skull that looks like a broken egg on X-ray examination.

EMERSION LINES: A burn line left by hot water or other liquid as some part of the body is held in hot water.

FAILURE TO THRIVE: The child is usually small for its age and very quiet. The child does not gain weight and fails to progress.

GLOVE BURN: A burn to the hand that looks like a glove, usually the hand was held in hot water (scald).

GULLWING LACERATIONS: A deep laceration with a "V" shape pattern, usually caused by a belt buckle.

INCEST: Sexual assault by a member of the family or surrogate parent.

INFLICTED TRAUMA: Any non-accidental injury, either self-inflicted or by another person.

LOOP LACERATIONS: An abrasion, welt, or laceration in a loop shaped pattern, usually from an extension cord, belt, or other coiled instrument.

MENTAL ABUSE: Any repeated anxiety or psychological abuse to a child by an adult.

MIRROR IMAGE: An adult that sees a child that looks and acts like that adult and is punished for no other reason. The adult usually has a very poor self image.

NEGLECT: The absence of healthful conditions or the presence of filth and conditions likely to cause the ill health of a child or children. The absence of parental supervision.

NUTRITIONAL DEPRIVATION: Today many children survive on junk food, very little food, or none at all. Children come to school hungry and suffer from malnutrition.

SEXUAL ASSAULT: Any act by an adult to a child that intended to bring sexual gratification to the adult.

SHAKING INFANT DEATH: May show no signs of abuse like bruises, but child will have bilateral subdural hematomas, possibly some bulging in the area of the forehead.

SPIRAL FRACTURE: A fracture to the arms or legs of a child that spirals around the leg or arm instead of across the bone. Caused by twisting or swinging the child by the arm or leg.

STOCKING BURN: A scald type of burn to the area of the foot that looks like a stocking. Usually a result of a potty training problem.

STRAIGHT LINE SERIES LACERATIONS: Any series of welts or lacerations that are close to each other and are similar in size and shape.

SPLASH MARKS: A burn with an irregular outline usually accompanied by wash marks.

SOCIAL ISOLATION: A parent without friends, relatives or neighbors that he or she can seek help from.

TARGETING: When a parent starts taking things out on a particular child. Also referred to as the targeted child.

VENTING: The way a parent releases their tensions toward any available child.

WOUND OVERLAPPING: Injuries that are on top of previous injuries.

WOUND PATTERNS: Wounds that are close together that are similar in size and shape and are found inflicted to the same area of the body.

THE IMPOSSIBILITY OF EXPLAINING CRIME

Bill Burnham

The traditional role of science has been to explain a particular phenomenon; and a whole literature has grown on the topic of what explanation really means, in a scientific sense of context.¹ In this short paper, I have neither space nor intention to delve more deeply than Walker does, or many others before him, into this complex topic. It must be enough here to offer as a working definition of explanation 'that intellectual process, of whatever kind, which links a newly observed or studied phenomenon conceptually to our existing body of knowledge, so that we can claim, in some way, to understand the new'.

The traditional role of criminology has been to study criminal behavior, and having described it, explain it. This activity has usually been perceived in terms of constructing a theory which embraces all the observed data, and providing an explanatory framework for the whole area. For social scientists who take a strict view of the concept of theory, such an explanatory theory has to be testable, at least in principle. This is done usually by generating predictive hypotheses which can be empirically examined. The purpose of this paper is to argue that this operation has never succeeded in criminology because it cannot succeed; and that the cause of this failure is two fold. First, as others have argued, it is because of the mixed nature of the concept of crime; but, furthermore, because the complexity of what such a theory would look like is so great as to be incapable of being broken down enough to be tested, if it ever were constructed. In short, an explanatory theory or model would be beyond either being fully constructed and/or reasonably tested.

The proposition that crime is a legal word, and describes the appropriate reaction to an event rather than the event itself, and is not a behavioral term, seems to me to be true. That may well be a sufficient condition for the impossibility of criminology as a complete social science. My concern here, however, is to argue that even if that difficulty were not so great, as a scientific operation, the task of constructing an explanatory model is impossible. It is for this failure to take the philosophy of science conceptual basics seriously enough that the various theoreticians of the different schools of thought should be criticized intellectually.

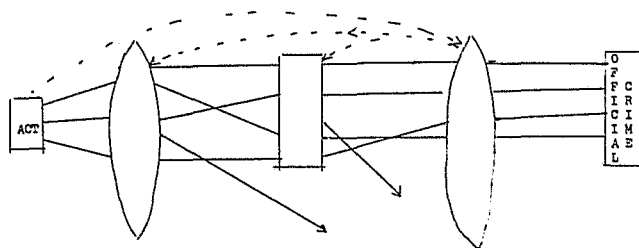
¹The best recent summary of which I am aware is Walker, Nigel D., *Behavior and Misbehavior, Explanations and Non-explanations*, Oxford, England, Basil Blackwell, 1977.

These schools of thought can, for convenience and very roughly, be divided into three classes. First, the most traditional form of criminology, which concentrates upon the offender, and usually his or her pathology. This school has moved from biological explanations (Lombroso being the most famous, although a new form of that argument, apparently largely based on vitamin B deficiencies, is having a fresh period in vogue); to psychological explanations, Freudian and behaviorist derived; to sociological explanations. The last group contains a wide variety within itself, from structuralist to conspiracy theories, but I will beg the indulgence of the reader to be prepared to accept that crude classification, so that we can get onto the interesting bit. The second class of studies are those which can be lumped under the heading of the sociology of law. The underlying premise of this group is that only some of all total misbehavior is classified as crime, and that the explanation of what is or is not treated as crime is the main factor in explaining criminality. The chief object of such study is the development and implementation of the law. The third class, considered by some a sub-category of the second and by others as a more or less separate operation, is the analysis of the workings of the different criminal justice agencies. This frequently focuses on the discretionary and decision functions of different levels of the agencies, usually from an operation research/systems approach.

The first important point, having so far merely summarized well-worked and familiar materials, is that these approaches, or models, are very frequently presented in the literature as competing. The competition is not only within each group ("Is a habitual thief an inadequate neurotic or suffering from opportunity negation?"), but between each group. My contention is that, for a comprehensive theory, all three types of models are needed, and that the source of much of our present and future ignorance is this complementarity, rather than mutual exclusivity. Further, this complementarity creates such complexity that it can never be fully worked out, because it introduces an untraceable interaction between the different elements. This is a somewhat complex statement, and as it is the central point of the argument, must be clarified at some length, both verbally and diagrammatically.

To take the latter first, it may be helpful to visualize the kind of comprehensive model I am proposing. It would look something like this, and could, perhaps, be called a 'two lens and a filter' model.

LENS I	FILTER	LENS II
The action of the criminal justice agencies - the act is treated as a crime	The Law - does it count as a crime - the sociology of law.	traditional description and explanation of a misbehavior.



(Note:) Dotted lines represent interaction effect or deviations from normal sequence of events.

Before turning to some of the conceptual complexities, a few notes will help to make the points of the diagram more clear.

1. I used the concept of a lens to indicate that the perception and description of the act may alter its status, in the same way that a lens 'bends' light. Thus some acts which are seen by, say, the victim or the perpetrator as relatively serious may be defined by persons studying or reacting to them as much less so, e.g. physical assault from which little actual physical damage occurs; or vice versa, e.g. consensual sexual offenses. The change of lines vertically, therefore, symbolically represents changed ascribed status of seriousness, with the most serious being considered, for simplicity, at the top of each lens and the filter.

2. The law is represented by a non-distorting filter, as the law works by formal, pre-ordained definitions and categories — the more interesting question is whether the legal process deals with a particular act at all. This fails to take account of such complications as plea bargaining, but in a brief overview of a case such as this is, I must simply acknowledge that and pass on.

3. The lines which drop down into space, terminating in arrows, represent those acts which are, for a variety of reasons not ultimately defined or processed as crimes at all, even though they may originally have been acts apparently identical to other acts which were processed as crimes.

Obviously this is a crude and simplistic schema, but it brings out the central features of this argument. These four characteristics to which I wish to draw attention are:

(i) The fact that, although in the schema all the stages seem to follow chronologically, in real life they do not. Rather, they occur in a mixed sequence, possibly repetitive and frequently with each stage broken down into separate sub-stages; and this confusion is not consistent for different acts.

(ii) The fact that if a model of this type were to have any explanatory power in any usual scientific sense, it would need to have some kind of numerical values given

to the different variables, here represented by lines.

(iii) The fact that the values which would be given to each of the variables would be significantly determined by the interaction of the different stages, so that there is an in-built chicken and egg problem. The role of dependent and independent variables is not clearly demarcated, and indeed could well be interchangeable.

(iv) The fact that all of the statements which we would like to make as some sort of general scientific laws are, and have to be, probabilistic — that is to say there are no perfect correlations which hold up over time to be found. Any statements which we can make about criminality at any level of complexity higher than bookkeeping or system management level can have only a low level of probability attached to them. Any one sociological or psychological variable which can be shown to be present more than most characteristics in offender populations is still present, although perhaps to a lesser extent, in non-offender populations. That is to say, the statement that "Most prisoners are neurotic extroverts, or suffering from anomie, or have experienced differential association (or whatever)", may be accepted as (perhaps) true. But what is certainly even truer is that there are lots of neurotic extroverts, anomic, differentially associated, and all the others of that kind, who have no criminal records. Therefore, while being a prisoner may predict one of these characteristics with some quite high degree of probability, the possession of one of these characteristics is still a poor predictor of criminality.

A further complication in the model is that at most stages 'facts' and values are mixed. The word 'facts' is put in quotation marks in deference to those who argue (and, I think, in many cases correctly) that all facts are a mixture of acts and value judgements in a criminological context. It is more pure, scientifically, to speak of acts rather than facts, if we are to believe our sub-atomic physicist colleagues (and some of my best friends are sub-atomics). Thus any numbers involved would be a mixture of 'factual', which equals actuarial, prediction, and moral/legal value judgements.

The picture which I have attempted to draw here, therefore, is that of a minimal model of explanation of criminality or the phenomenon of crime in society, and it is one which is too complex to test. Therefore, any complexities and additions found necessary to complete the model merely exacerbate the problem. So, it is too complex to explain crime, and although the use of contemporary and future computing equipment is a great help in such matters, literally until the computer takes over from the human brain in respect of conceptual development and imagination, as well as direct complex calculation, the model is insoluble. We can never know enough to complete the rest.

This conclusion sounds pessimistic, and in one way it is: we cannot, by science, win; we can only lose by less. Criminal justice theory will remain reactive intrinsically, because if we aim to make it proactive on any significant scale, we are bound to have 'false positives' — that is,

cases predicted to be criminal which would not, in the event, have turned out to be so. The incursions into human rights entailed in that line of argument are not encouraging. Criminological theory has not done what its pioneers and later protagonists have hoped — explain

crime. It has a more important achievement to claim: it should make us humble in response to crime, and focus our attention on minimum levels of retribution in an excessively retributive world.

67815

POLICE ORGANIZATION AND CAREER DEVELOPMENT IN THE UNITED KINGDOM

Eric Bailey

What I have decided to do today is to pick out those areas which I think will be of most interest to Americans, and perhaps later you will be able to take me to task on any areas that you think of interest and then I can perhaps learn from you, because I have learned an awful lot whilst I've been here. I will start with the premise, you often hear this said, how British police officers are wonderful. Well, I'm going to be the first to say that I don't really subscribe to that. What I'm going to say I think and hope to convince you about by the end of the talk is that they're pretty good, not wonderful. Now, it will perhaps come as something of a surprise to you to learn that it isn't all that long ago that the British Police Service was not unlike that of the American Police Service as it stands at the present time. We had the small unit, just as you have at this present time, with the highly fragmented system. It's never been exactly identical because we had an integration, I think, right from the word go that you don't have even at this present time. It's only in the past 30 years or so that the really major developments have taken place. I'm sure statistics can mean almost anything you like, but I think one or two do help to clarify a given point. So, starting from our focal point, which was 1945, the time from which these really significant developments have taken place in our organization, we had 183 departments in the country, 31 of which had a strength of under 50 people, and one or two of them had strengths of 10. So you can see that we are not all that far removed in time from the system that you've got at this present time. Can I ask you to compare if you will the countries? Now, you've got something that we haven't got, and that is a Federal system which causes you an awful lot of difficulty so far as any sort of homogeneous set-up is concerned. The US is approximately 50 times bigger in land area than the United Kingdom and we have approximately one-quarter of your populace and one-quarter of the number of police officers. You have approximately 440,000 police officers with a populace of about 210,000,000 as I understand it. We have about 110,000 police officers and approximately 50,000,000 populace. So think of that at all times when you are trying to make comparisons.

Even before Robert Peel, (who formed the Metropolitan Police in 1829) everybody wanted a national police force. That was the objective of the exercise, but against that was a highly vociferous group who said under no circumstances are we going to have a national police force, and from then we had a strong movement to a

national police force which we still haven't got. There are a number of good reasons for a national police force not having evolved. Two of them, I think, are significant and for the police officers present, I am sure they will understand this. One of them is the very human reason in that a number of senior police officers would, of course, lose their jobs, and this has in fact happened. It is perfectly understandable when you get amalgamations, things of this sort, police chiefs are going to lose their jobs, and in fact, in the area next to me, that is a county of approximately similar size in police officers to mine, they have nine assistant chief constables, that is nine, in effect, deputies. They have had to assimilate these people, and when some of them leave, those jobs will be vacated never to be recovered. So you can see the very human thing here. Police chiefs don't want to lose their jobs. Now the second thing, and probably the most important factor, is that as with the US, the UK is more or less the ultimate in democracy, and it was thought a national police would be a tool of the central government. So that is the second most important reason. The people that didn't want to have a national police force were against it because it was thought to be contrary to the democratic aims of the country. However, we have in certain respects stronger central power than you have, and right from 1945, a number of very, very determined home secretaries used their authority, applied pressure in a number of ways about funding, (I'll tell you about funding in a couple of moments), and they brought about a number of amalgamations or consolidations, significantly in the year 1945, 1969, and 1974. We are now reduced to our present force of 43 departments for England and Wales, and 8 in Scotland.

When you're thinking of the police service in the United Kingdom, you've always got to consider the Metropolitan Police. I'm sure everybody has heard of Scotland Yard here. The Metropolitan Police is something of a special case. It's something of an anachronism in the system in the sense that it is under the control of the home secretary. It is the only force in the country that has this arrangement, and it is a very large unit. It has an approximate strength of 26,000 sworn officers, and it was to be the forerunner of the whole of the police service for the United Kingdom. All of the forces were supposed to follow this model, and then we would have become a national force, but that simply didn't happen. We had a piecemeal arrangement going up to 1945 where we had our 10-man departments. Our smallest

department now, believe it or not, is 800 and the largest one is 6,700, which is my force out with the Metropolitan Police. But the effect of all this is that in many ways the police service in the United Kingdom does in fact operate as a national one. We, I think, are integrated in a way that is quite unknown in this country. I have had the opportunity to look at one or two of your police departments, and as an outside observer I would say there is a fair amount of fragmentation, and in certain respects not a lot of cooperation. I think I can give you an example of that. I went to the Columbus Police Department in Ohio where they have a beautiful control room, a magnificent control room (I think it cost about \$3,000,000), and they have almost no cooperation at all with the police departments around about them. Now, this would never apply in the United Kingdom. The police departments integrate one with the other, they have telex links, they have tie lines, they even have radio-monitoring systems which run across the radio channels from another department; there's a lot of integration, there's a lot of lateral movement in particular. I'll tell you about lateral movement in a couple of moments, and something else built into statute that is termed "mutual aid." By statute, the service in the country operates almost in the same way as a national electricity system or a water grid because there is movement throughout the country as required. Ten percent of the officers can be sent from one force area to another to assist another chief officer if necessary, simply by a telephone call or a request of this sort in a formal manner. If further assistance is required, the chief officer of the adjacent force will supply it on a paying basis. I know you have mutual aid, but I don't think it's quite the same way that ours is.

What I would like to do is to talk about how the service is controlled, both at national and local levels, in order that you can understand some fairly significant differences in this connection and how these amalgamations have been effected. In 1964, we had a landmark royal commission; I think the name here would be a presidential commission, a very, very high-level inquiry. It affected an awful lot of the institutions of the British Police Service, not the least of which were police public relations, accountability, and the question of who controlled the police. It was pretty obvious that the police were in fact being controlled, quite adequately, quite well, but who controlled them nobody knew. Traditionally, the British police officer has always had first-class relations with the public. I think as a value judgment, this has altered in certain respects, but not significantly.

What I think has happened is that the public of the United Kingdom is now better educated and is more inclined to criticize the police as he does with almost all public services. He wants to know what the police are doing, and he's ready and quick to complain. Now this is something we didn't have until 1964. In many ways the police service in the United Kingdom was responsible for the criticism due to a couple of very unpleasant

incidents. I don't think they reached publicity over here, but one of them was in Scotland where a 16-year-old boy was incarcerated without having his rights read to him and he was assaulted. There were a series of inquiries, and it was then found that there was no machinery to inquire into this, surprisingly enough. Another instance was with adults in the area next to mine — adult male prisoners were incarcerated; they were assaulted quite severely. So you can see there isn't a great deal of difference in the history of the police service in this country and the one in my own. To that extent, the police service did harm themselves, and now we have controls to stop all this. Notwithstanding all of that, I think the police service has altered itself to take account of public opinion and still has an excellent rapport with the public. Once again I am going to give you a few more stats to illustrate the point.

In 1977, the *London Times* did a couple of polls, and one of them was in relation to how the public regarded police service. On a scale from high-positive to low-negative with seven graduations, 73% of adults were on the extreme high-positive end of the scale. Now the second poll was with juveniles, 14-17, and here again, it was a fairly good response — 44% were on the extreme high-positive end of the scale. Another poll was run in 1977 in response to an inquiry about a large payrise which we had just been given. That payrise was the subject of some public concern, and in the poll that was again run by the *London Times*, 78% random-choice people were in favor of the large payrise. So I think that gives you some measure of the relationship that we are fortunate enough, and I say fortunate enough, to have with the public.

Now, accountability was a very worrying item on the 1964 agenda because it was found that outside the Metropolitan Police Area, there was really no way that provincial forces, that is, all those forces outside the Metropolitan Police Area, could be questioned about their activities in a legalistic sense other than by the known processes of a police officer being sued at civil law. There was simply no way, and that was the result of a landmark case back in the dim and distant past when it was decided the United Kingdom police officer was an agent in his own right. He was a servant of the crown, notwithstanding that he was employed by the local authority, and I am sure you will realize you cannot sue the crown. Now that situation has been in fact clarified. The police officer, although he is still an agent of the crown, can in fact be sued and now there is built into the statute a vicarious liability which goes straight up to the top and the chief officer can be sued. The 1964 Royal Commission did give the home secretary certain powers, and the local police authority were given certain powers. One of them was that a police local authority could ask a chief for a report on any given aspect of the police activity in the area; the home secretary could also ask for a report. The home secretary can now cause a public inquiry to be held locally if there is some complaint about police activity in an area.

I think what will perhaps be of interest to you is the local authority set-up in the United Kingdom is significantly different from yours. Our local authority is made up of elected members, but built into the system is a highly professional group of people who have absolute security of tenure. These people are such as the financial members, those who monitor our activities as far as spending goes, and they have banded themselves together into a professional group that represents the local authority, the police authority and the home office. They have had a significant effect on the way the police service operates. First of all, they have become highly professional. Because they have absolute security of tenure, they can monitor police activities in a spending sense all the way through. For instance, my force has just bought a teacher-training college, and every penny that is spent on that teacher-training college will be monitored. Now you may say that's not significantly different than the set-up here, but it is in the sense that having absolute security of tenure, they have become experts in it, and also banded together, they have representation of the home office, and they have become very powerful people. Now, the professional group locally do act, of course, as advisors to the elected representatives, and they feed the elected representatives information at all times, advise them, and the whole thing becomes a monitoring unit of some considerable consequence.

Now what I think is different about the relationship between the chief officer and the police authority in the United Kingdom is the autonomy of the chief officer of the police. First of all, he has to be a professional police officer. It's a completely closed system. You've got to start at the bottom, and to be a chief officer, you've got to traverse the whole hierarchy. Now a chief officer in the United Kingdom has almost absolute autonomy of action. He can do almost exactly as he wishes. Obviously, if he's got any sense, he is going to interact with his local authority in a meaningful way. I think if I give you an example, you will get some idea of what I am talking about. In the UK at the present time, we are having a considerable amount of trouble with a right-wing group called the National Front. I think the nearest you could get to it over here is the Nazi movement. They are essentially racist and they will demonstrate at the drop of a hat. In my force area we have a local authority who support them to some extent because they are conservatives, and they wanted to mount a march recently which was obviously going to raise a crowd of about 100,000. The decision was first of all, should this affair be permitted, and if it was going to be permitted, what sort of police resources would be required? Now the chief took it upon himself; first of all, the local authority did not want him to allow this thing, it was going to cause the utmost disruption. You know as well as I do what's going to happen at these affairs; you're going to get shop windows broken, buses turned over, and all this sort of thing; but it's a democracy, and the feeling is that these things ought to go on; if they don't go on there, they're

going to go on somewhere else, and it's better that the thing should come to the surface. Now the chief, almost in isolation, decided that it must go on, and in the event we fielded 6,000 police officers which cost the taxpayers in my police area about half a million dollars. So that lets you know of the almost absolute autonomy of the police chief in the UK, which is significantly different from the police chief in this area.

Something else that we've got I think that you haven't got is an inspectorate, a very powerful weapon that is used to monitor the activities of the police service throughout the country. This inspectorate started very shortly after the beginning of the police service in the Peel era, and it has become highly sophisticated. There are 6 inspectors in the country, with a chief inspector, and they operate as they feel they ought to do. They are given a region to monitor and they go over the police service in their area with a fine-tooth comb at all times. They have a staff of experts who've become very expert and when they feel like it, they monitor things. They don't only do the bookkeeping, they want to know if you are running your helicopters efficiently, and are you running your skin divers efficiently. Significantly, a recent development in the inspectorate is that if they think a force ought to be cooperating with an adjacent department, then they'll very quickly say so, and in fact we now have squads of people who operate from one force to another, and yet they are still members of their own force. So this inspectorate becomes a very powerful weapon indeed.

Another significant area where we differ from you, I think, is the funding arrangement for the police service. Half of the funds of a police service or police department come from central government; half comes from the local authority, and this is one of the reasons why we have what is, in effect, almost a national police service. The very powerful weapon of the fund, the half-grant it is called, is used pretty ruthlessly by the home office, the home secretary. It operates in that the home office inspectors monitor how a police department is running, and every year the inspector has to submit a report. If the report is positive, the half-grant will come across. If it's not positive, it isn't always stopped, and in the history of the service there have only been about six occasions when this fund has in fact been stopped, but the threat of it is quite sufficient because to put this burden on the taxpayer is horrific when you think that the force budget for my force for this year will be about \$120,000,000. So the taxpayer's going to cringe when he thinks about all this money he's going to have to find; so the home secretary or the home office has used this funding arrangement to get their own way which was the objective of a national police force.

Something else that I think will perhaps be of interest to you is the question of citizen complaints. This is related to the area of accountability that I mention to you, and was one of the most significant things to come out of the 1962 Royal Commission. The complaint system is this: if you go to the UK on holiday and want to

complain about any mortal thing, it doesn't matter what it is, how trivial it is, how serious, you just go to a police station, make a complaint, and there's immediately a large machinery set in motion. It is common throughout the country, it is written into the statute, and it is monitored by two people — one of them is the Director of Public Prosecutions who must give his sanction before any police officer can go to Court for anything, no matter how trivial or how serious. The other thing is the discipline offense, that is somebody being rude or something of this sort. Prior to 1964, the chief officer was the arbiter in this context. He decided whether somebody was disciplined for an infraction of the rules, such as abuse of authority or this sort. But in 1964, an outside body was set up to monitor all police complaints of a discipline nature. The significant thing to that is that the outside body, the police complaints board, has teeth and can direct a chief officer to set up a charge against a police officer. I've had the opportunity to look at one or two of your police complaint systems, and they simply would not be tolerated in the United Kingdom. I talked to one small department in Michigan, a 45-man force or department. The chief of it told me that if somebody complained, first of all they would make an on-the-spot decision whether it ought to be accepted or not. If it were to be accepted, it would be given, if it were trivial, to the officer's supervisor. This sort of thing would simply not be allowed in the UK at this time.

So what we have in effect is a service which operates in many ways as a national one, but which has strong local ties in that the chief officer cooperates with his local police committee, in a very, very detailed way. He has to report everything he does. For instance, he would have to report that I'm here, because it's a cost on the local authority. On the other hand he will be able to get from them what is happening. They will be very quick to tell him if something is going wrong. They will be very quick to tell him if someone's activity is not good enough and no police chief who has got anything about him at all is going to ignore this. So it has got a strong local connection, but it is not manipulated in the same way that the police service over here is.

What we must always take account of, of course, when we are talking about comparisons, between the UK and this country, is the differing environments of the two countries. I will give you some stats again just to give you some sort of impression that I've got over here. Crime, for 1977, per 100,000 of populace, goes in this fashion: Murder — USA 8.8%, United Kingdom 0.9%. Rape — USA 29%, United Kingdom 2%. Serious assault — USA 24%, United Kingdom 8.8%. Surprising as it may seem, we do actually lead you in one area; it's intriguing to think of this. Taking motor vehicles for one reason or another, whether it's just for a joyride or to steal them — USA 448 per 100,000, United Kingdom 630. So at least we lead you in something — I don't know what the significance of that is.

One thing we have to put up with perhaps that you do not have is that London tends to be the demonstration

capital, certainly of the UK, if not of Western Europe. To give you some ideas once again with statistics: 1977, there were 585 marches of one sort or another; 60 of which required a minimum of 50 men, 24 required a minimum of 1,000 men; and the *piece de resistance* was the one in my area with 6,000 men. An unfortunate thing that has happened to the United Kingdom police that has already happened to your force over here is that we have now had to train our police officers almost as riot troops. Traditionally, we have been able to take the police officer from his beat or out of his car and just put him together with his colleagues. He's always been trained to operate in his own right, to answer for his own actions. But now, and I consider this a retrograde step, we've had to train them in 31-man troops with shields and all this other horrific equipment, reinforced helmets; we've still managed to retain the traditional pointed hat; he doesn't have a pointed head, he just has a pointed hat. We've had to give him reinforcement; a plastic shield to protect himself; we've had to give him eye protection; all alien to the British scene, but it's something we've had to train our men to do.

This perhaps logically leads to facets of particular interest in the two countries; that is, the hazards of being a police officer at all. That is the question of how a police officer can operate, the manner in which he operates, and the use of firearms. If I give you some stats again about the use of firearms in the two countries and the dangers of being police officers, I think you will get some impression of the difference. USA, in 1968-1977, there were 1,094 police officers killed, murdered, not all with guns, of course; and in 1977, you had 92 murdered; 59 with handguns and 30 with rifles. We have one on the average a year and it is very seldom that he is killed with a handgun. So far as firearms are concerned, there seems to be in this country generally a completely wrong impression of what is going on in the UK at this time. I think it is possibly due to one or two highly-publicized incidents which hit the headlines, and the impression I get over here talking to police officers is that people over here think that we're now going to be issued with guns at any time or that we have already been issued with guns. That, ladies and gentlemen, is completely wrong.

An incident that springs to mind was about two years ago in London. This very unusual incident occurred in relation to a police officer who was going to an embassy, and he was one of those few people that carried a handgun, because of course you know it's ambassadors that are getting murdered with monotonous regularity. So, as with all of our capitals, we have to look after our ambassadors. This police officer had a handgun. He was going to, I think it was the American Embassy, but I'm not sure, it could have been the French one, and he happened upon an armed robbery which was taking place. He saw the whole thing in action; he shouted to the robbers, "Throw down your arms, I'm an armed police officer." There was an exchange of shots; he hit one of the robbers, who was later found in a car some distance away, dead. There was the most tremendous

furor in Parliament. The objective of the exercise was who on earth is carrying guns in the UK? So, this is the true scene. It's quite wrong to think that we are not carrying arms. The true picture is that far well over 99%, I would say, and this is a value judgment on my part, of the police officers in the UK can operate quite safely without any form of arm, and they can operate singly, on foot or in a car, which is something alien to the large cities I have seen here. Now that's not to say we don't have trained firearms officers, because we have. About 10% of the force is trained to use firearms. They are experts and they do not carry the weapons with them. No police officer carries an arm with him unless he is on a so-called special duty. So it's very likely, if you are talking about the Metropolitan Police, that at all times there will be one or two police officers with a gun on some special duty. But for instance, in my force, probably at any one time, there will not be a single police officer with a gun. Ten percent of them will be trained for duty and will have access. Certain other forces have other practices; they will have guns locked in a receptacle in a police vehicle to be available at all times.

I read an interesting article in the *New York Times*, dated May 24, this year, by a fellow called Robert Stewart, whom I understand was a member of the Chicago Crime Commission, and he was saying that there are 9,000 people killed in this country every year with handguns. I think it's well worth reflecting on the reason for that, and he also said that there are now 50,000,000 handguns in circulation in this country at this present time with, believe it or not, 2.5 million coming on the market additionally every year. I think there is something of an ambivalence in this country because I find that certain police officers loathe the idea of stringent gun control. Perhaps you would like to take me to task on questions about this. Probably the significant difference between the United Kingdom and the US is, apart from the fact that guns are not common currency, they're extremely difficult to get hold of. If you wanted a handgun, I'm sure you could get one if you were prepared to pay enough for it and go to enough trouble, but it's almost impossible to go along anywhere and buy one. In addition to which, we have fairly stringent control at all levels. I am responsible for the issuing of permits for someone who owns a handgun, and I use the most stringent measures. Someone has got to really satisfy me that he's got a very, very good reason for having a gun. The Saturday night special thing is out altogether. If you're a member of a gun club, and I think you are a person of good character, you may get one. There is an avenue of appeal if the citizen is not satisfied; if he thinks I'm being a little bit draconian, he can go to Court and appeal it. Sometimes our judges, our recorders, will reverse the decision, but not very often. They, too, adopt a very stringent measure, and also the law is pretty strictly enforced. Any form of firearms offense, the carrying of a firearm, certainly the using of one, is dealt with extremely stringently, and it is supported by

the Courts, which I hasten to say is not the case in some parts of this country.

I had the privilege of looking through the Court system admittedly only in one area, that is New York, and the use of handguns is treated trivially, I would say. We're talking about a \$25 fine, as I understand it, for the carrying of a handgun. Well, you certainly would not get away with that in the UK; and the low crime environment in the United Kingdom does allow us to operate in a slightly different fashion than the police service operation in this country. For instance, at the present time we have a modern Jack-the-Ripper operating in my force area and the one next to it. This fellow has murdered nine prostitutes and three others in the last four or five years. But because of our low incidents of crime, we have been able to strike off after each murder 60 detectives from the adjacent force and 60 from my own, and we have had a 120-man squad operating on this one case alone; not allowable in this country because of the very high crime pressures.

One of the areas where we have learned from you is in the field of police/press relations. Our police/press relations until comparatively recently were pretty poor. We tended to say to the press "no comment" at all times, but we have sent police officers over here and we have seen how you operate in a very efficient fashion in the sense of using the press, and we have now progressed to this stage. We do use the press very extensively.

One of the areas that may be of interest to you is that I was formerly a Court prosecutor. That is a system that we operated until about 1969 when senior police officers did in fact act as advocates. We went to court and prosecuted just as a lawyer would do over here. Now that system was thought of by the authorities not to be terribly efficient, it didn't give the right impression to the public, and it wasn't perhaps impartial enough. So in 1969, we employed a staff of prosecutors, but we still retained the decision to prosecute. We direct our lawyers; we decide who's going to be prosecuted, who goes to court, etc. Now there is a Royal Commission sitting at the present time which is concerned to bring about a change again to something approximating the American system, that is a public prosecutor or perhaps something on the lines of the Scottish system where, I think, it's a halfway stage between the English and the US in that there is a public prosecutor who decides to prosecute or not, but the investigative stage is completely handled by the police. I think that logically leads to career development.

Because of the change in the organization of the police service in the UK, it has had a dramatic affect on career development. Once again, I give you an example by figures. In 1949, a man was lucky to be a sergeant with 15 years service, and an inspector, which approximates to your lieutenant, at 21 years. Now it is not uncommon at all to find a sergeant with five years service and an inspector with eight, simply because of the huge units. So far as promotion is concerned, it's by a combination of compulsory examination and interview up to sergeant

and inspector only. After that, he is considered to have been suitably examined academically, and after that it is by interview only. The examinations are fairly severe. I would say they are about first degree bachelor level in the UK.

All police officers are now joining at 18½ years, minimum age; (they have had their minimum age reduced by six months fairly recently) and educationally, they are not particularly good. They are coming in after the minimum school-leaving age which is 16 years, and there is a significant difference between the men and the women. The women tend at all times to be better educated, better in every way in fact. They are more articulate, more personable, quite often they are bigger and stronger. I think the particular position of women is of interest. They are coming in the police service in droves, I might say, and that is because our educational system has had something of a shock in the sense that we have had a reduction in birthrate and we're having teacher/training colleges closed with monotonous regularity. So an avenue that was open to the young single woman has now been completely closed, and this group is tending to go to the police service because the pay in relation to the rest of the populace is reasonably high.

Something else that we have in the United Kingdom that you don't have is the cadet system. It is a very significant contribution to the service. Forty percent of our people who come into the police service come from the cadet system. The cadet joins at 16, he is a civilian, so far as regulations go, and he stays in the cadet service until he is 18½. There are many advantages to this of course, as I am sure you will appreciate. First of all, the service can monitor his capabilities, his or hers, and he or she can decide whether he's got a vocation for the service. Once again, there is a significant difference between the male and the female. The female tends again to be more articulate, more personable, much better in every way. We have a completely emancipated female populace over there, we've got equal rights legislation just as you have, and we're tending to take in an awful lot of police women. Where we do differ, I think significantly, to the US is in training. The training throughout the country is common. When a person enters the police service, he or she will go to a regional training center which is monitored by the home office inspectorate. The police chiefs have almost no authority about how the regional training center operates. So the young man or woman entering the police service will go for ten weeks training. There is a heavy emphasis on physical training, and the nuts and bolts of what he or she is going to do, how to deal with civilians, some human training, some psychology, and of course, the basics of the usual legislation that he or she is mostly required to know such as theft.

On completion of the ten-weeks training, he or she will go back to his force for some more training, and the man and the woman are treated exactly alike. The man and the woman will have to go out on the beat in exactly identical circumstances. The woman will have to walk

about on her beat at night on her own without a gun, and this is perhaps where we have had a bit of difficulty because we've had some rather serious assaults at one or two unpleasant seaports where one or two women have been assaulted. Fortunately, so far we haven't had anybody sexually assaulted that I know of. But they have to serve in identical fashions. The women are coming in in droves. For example, in my police area which is similar to New York in the sense that it has metropolitan boroughs, in one of the boroughs on the outskirts, quite recently we turned out a full team of women police officers on the 2:00 o'clock shift. That is the sort of numbers that we're having at this present time. Now for the next two years, he or she will be training virtually all the time — on-the-job training, field training, traffic training, administrative training, and they will go to Court. At the end of two years' time, you've got a fairly good product. Now after that, he or she can opt for an examination for promotion to sergeant. It's a fairly severe examination — you can tell how severe it is; you get \$90 tax free if you pass the thing. It doesn't mean that you are going to get automatically promoted if you pass the examination; you are just placed on a list, and you have to satisfy an examination board.

Because the system is a closed one and would, I think, ossify if it didn't have a rush of blood to the head, we have to have an accelerated promotion scheme, and that is restricted to 30 people in the country for any given year. It operates in this fashion: when the officer opts for the sergeant's exam, he or she can opt to do it competitively, and if he comes out of the top 200 in the country, he is then subjected to a series of extensive interviews. This culminates with a three-day Army-type officer training interview, and if the officer is successful in passing this series of hurdles, he is sent to 12 months at the National Police College. It's an extremely severe course and the candidate can have his services dispensed with at any time if he is not measuring up, if he fails to pass examinations, if his personality is not right. The objective of the exercise is not to take the best academically qualified person, but to get a combination of academia and personality, since we're looking for potential chief officers.

Additionally, a graduate can opt to enter the scheme from outside the service. In that case, he will be tested beforehand, and he can have a concrete commitment to go into this scheme when he comes into the service. That is the only avenue from outside the service. So the chances of getting to the top, whether by this scheme or by the normal avenue, are pretty good. As I said, it is not unusual now to have inspectors with eight years service and very young sergeants. A way that the service operates in a different fashion completely to the US service is in the way of lateral movement. There is a tremendous amount of lateral movement now throughout the country, and it is almost always for promotion because the police officer can change from one department to another and take all his rights with him. All he has to do is satisfy his prospective chief officer that he is a

suitable man to be in that department. So you can see how this movement assists people to get on quickly, and because there is no difficulty about transferring rights, then there is absolutely no bar to movement.

Toq, we have something that I don't think you've got, and that is a National Police College. This police college serves two very important functions. The first one is that it provides a series of very high-level management courses almost up to a Master's degree level for senior police officers. They're very sophisticated courses. People come from all over the country to go to these courses. We've had US senior police officers in them. If you are making your way in the service and you are progressing rapidly, it's quite likely that you will go to the Police College. I've been there on a number of occasions, and of course this gives the hierarchy of the police service an opportunity to view you, to see how you perform at all times; so it acts as a screening house for the service. It is not unusual now for police officers in the United Kingdom to have some form of degree. This is a fairly recent thing. For instance, at the police college, in addition to the academic staff, we will have about 60% of the staff with Bachelor's degrees; one or two will have Master's degrees, and we have recently acquired a Ph.D. Degrees and all forms of higher education are cultivated, and the police service is pretty liberal in the way it promotes higher education. It will subsidize 80% of the cost, for instance. My force has five places every year at our local university where anybody who satisfies the chief officer can go and do a full-time degree on full pay. The only thing that is asked of him is that when the large summer vacations come along, he go back to his local station and perform some police duty, and there's nothing wrong with that. He doesn't have to work additionally. The graduate entrance scheme to the service proper, that is a graduate coming in from outside, hasn't been an outstanding success. We find that there is far more success with people who acquire degrees after they enter the service. But there is this very large support, both for time and money, throughout the country.

Now a significant area where I think the two countries differ is in respect of driver training. I was horrified to find one of your police departments with people driving police vehicles about, and they had no form of driver training at all. This is now beginning to impinge on the minds of senior police officers in this country, because they are finding themselves sued for large amounts of money and they haven't been able to insure their police fleets. Now in the UK, we insure that our drivers are trained at all times. The maximum is 12 weeks training. No police officer can handle a police vehicle of any sort unless he has some sort of driver training. For the little car that is driven about on a beat, he will be given a minimum week's training, a maximum of a month, dependent upon how good, bad, or indifferent he is. If he wants to drive the high-powered police vehicle, he has to go for a medium course for four weeks. If he wants to drive the very high-powered vehicle along the motorways and the fast routes, he must have advanced driver training, because we've found something which I think is here now, and that is that when our drivers were not properly trained, we couldn't get insurance. So, we had to train them.

Now one of the ways in which I think you are leading us is in the criminal justice educational scene. I have been really impressed with the criminal justice educational scene over here and some of the magnificent programs that you run because we have nothing to compare with it. Our education system is very conservative indeed. We cannot interest our education system in any form of criminal justice degree. They will simply not listen to us. We have tried on many occasions. I spoke to one of my colleagues from the UK this morning who was in the education system, and he is not now in it, simply because he couldn't make any progress. So, I am really impressed with the scene over here. Now, ladies and gentlemen, I think we'll break at this point. Thank you very much.

THE ROLE OF A PROBATION SERVICE IN LONDON

Stanley Ratcliffe

I suppose we should not be surprised at the frequency with which we are faced with the task of redefining the role of the Probation Service. The mistake we make is to imagine that the Probation Service we trained for and joined will remain the same for the length of time we choose to remain in it.

What is forgotten is that the society within which we work changes — society's expectations for the treatment of offenders change, concepts of punishment alter, and what is right or wrong in the role of a caring agency becomes modified. If we are not aware of these changes, we can be left behind. This will not be because our aims have become intrinsically bad or wrong, but because they no longer coincide with the beliefs of society, the judges, the government, and in the final assessment, the expectation of the offender. It is thus imperative that a Probation Service, in whatever country it is situated, should periodically look at itself to discover whether it is in harmony with its parent society.

If like me you lived in England, you would know that there are some cliches used by our society that, amongst other things, say that the Probation Service is "over-worked and underpaid" — "doing a good Christian work" — and "you do have an interesting but frustrating job." According to where you stand, all these things seem true. But they are a sentimental, not particularly well-informed view of the work we do. There are other better informed views and these are not cliches. For example: The judges make fewer probation orders; Parliament has no real difficulty in deciding that an additional task is appropriate for the Probation Service without the support of any extra resources; researchers find that in terms of reconviction rates, the probation service is not the god-given organization that is able effortlessly with low failure rates to reform offenders with a better chance than other agencies in the penal field.

These are some of the factors that over the last few years we have had to face. I am not able to know how they have affected other countries, but I would be surprised were it not the same. An early view that it might be appropriate to pray together with our clients might still for some be right but for very many it is no longer relevant.

Again I don't suppose that you will be surprised to know that for many probation officers it is heresy to preach a somewhat modified doctrine. For them, what they were taught is still the only doctrine.

I suppose it's hardly surprising, but for some it is difficult to accept that the silicone chip has changed work patterns or indeed done away with the job that had been their life for many years. You fool about with "the sanctity of labour" at your peril.

The problems therefore are not just the ones of social work (the treatment of offenders) — they exist in all walks of society.

However, I need to speak of work with offenders. To do this I must make a number of assumptions — not universally true — that society has not retained its power to kill offenders, that trials take place, and that sentences have multiple aims, principally aimed towards punishment, retribution, and reformation.

I would not wish for one moment to propose that there were no offenders who need punishment, indeed there are a large number of offenders against whom society needs protection. The offender needs to be imprisoned for our protection. Looking into a crystal ball, this may not always be so — but for now it is. I am just as afraid as you are of some offenders. 'Me', the citizen, wants to walk the streets without fear; I want my family and my community to feel safe.

But what of the large numbers who appear before the courts against whom I do not need protection? Is it really desirable that we spend a great deal of our individual countries' wealth in just incarcerating them. Can other methods be used? The average weekly cost of keeping someone in prison in the U.K. is \$200.

Our penal system broadly divides into two forms of treatment. What we do in systems of captivity, i.e. the prison and penitentiary and what we do in systems of non-captivity. Non-captivity has many facets:

- 1) No penalty — discharge
- 2) No penalty — discharge with possibility of return after a further offense
- 3) Fine — money
- 4) Sentenced — but suspended.

This list could go on.

However, in Britain, as in a number of countries, we have a sentencing policy that reaches a point where the judges (sentencers) hand the offender over to a community based treatment organization for action — short of imprisonment — to take place. In Britain this organization is called the Probation Service. Again an organization with many faces.

To make my point, I would like to pillory one face of the Probation Service. This one supposes that all a client needs is love — care — understanding. It makes an assumption that there is one well-defined, perpetually-truthful way of doing this. It's called casework. Casework in these terms is a sort of modified Freudian psychoanalytical method of interpreting human behavior. Knowledge of this skill gave professional competence — professional competence gave status — status = money. Professionalism was built.

Professionalism meant that you were on the way to being a Banker — Dentist — Architect — Doctor — but having a doctor as a brother, I am not so sure that this is a desirable target.

Professionalism also seemed to mean unchangeable value systems.

Thus "what I have always done is the way I will go or doing it."

It is this very notion that the management of the Probation Service in London has been challenging for the last nine to ten years.

It seems to us that we must become the community based treatment organization for offenders, offering not one form of treatment but a multitude of resources.

We have made a start along this road, we can provide under the one umbrella what we might describe as the Probation Service facilities for:

- a) Casework (one-to-one — eyeball) call it what you will, it is still needed for many clients;
- b) Accommodation (Hostels-lodgings);
- c) Work — directed towards employment (Bulldog-Apex);
- d) Work — directed towards repayment and to an extent retribution (Community Service Orders);
- e) Day centres — both compulsory and voluntary;
- f) Club or leisure based activities (Adventure Programmes — fife club nights-Ilderton Motor Project);
- g) Financial Help (Short of maintenance). But to meet essential needs — clothes — short term rents — tools for work. (Poor Boxes — Voluntary Funds).

The important point about our development of these resources is that the principles guiding those who have developed the facilities have been those that stem from their roots in socialwork. Had we been penologists, it's a fair chance that the service would have gone in a different direction.

As social workers, we hold some values to be important above others. As a consequence of our belief that each individual has a worth, he becomes the focus for our work — we direct our efforts toward his needs. Whilst our work is aimed toward his rehabilitation, we accept that others have to make judgments about punishment and retribution.

Having provided a wide range of resources, the manner in which these are used is important. They may

be used as part of a composite sentence or as the sentence itself; e.g. Community Service Order or Day Training Centre Order.

They may also be used by probation officers who are responsible for the recommendations made to courts or for the actual supervision after an order has been made. As will be known to many of you, in England and Wales, the Probation Service is responsible for the supervision of offenders under a number of different categories of orders or powers amongst which are:

- a) Probation Orders (6 months-3 years in length with the ultimate sanction of return to court following a breach of the order and with a liability to sentence for the original offense).
- b) Parole. (Seen as a portion of the sentence being served in the community but under supervision with the possibility of return to prison for failure to comply with the conditions.)
- c) After-Care. (Two basic variants, either statutory — such as follows a life sentence for murder — or voluntary which becomes operative when the offender exercises a statutorily provided option to receive this form of help).

Up to this point, I have sought to outline the resources we have developed and the circumstances in which these can be deployed.

How they are deployed is dependent upon the way the probation officer works. It would not be an exaggeration to say that 30 years ago, the only resource that a probation officer had was himself. The system then placed great demands on the personal, internal structure of the officer. If he had no great inner strengths, then he did not take up the work in the first place.

Now, we confront officers with a vastly more complex task. It would not be too way out to describe a present day probation officer as a treatment organizer. He has some diagnostic tools but not many — with such help as these give him, he has to make choices amongst the available resources and then arrange for the client to take part in the appropriate programme.

A very mixed blessing in social work over the last 10-15 years has been research. But if one sought to draw one single truth from all the efforts of these countless people — it would be that if you compare like with like, then the outcome of one form of treatment of offenders is not going to differ very greatly from another if the yardstick you use is reconviction rates. This has destroyed a number of very deeply entrenched shiboleths and in the end I am sure will prove to be of value — especially if the result is truth where formerly there was fiction. On the other hand at times it feels like the King who at the end of his ride through the city was faced with 200 highly paid Ph.D's who shouted in unison "it's a fact you know — you haven't any clothes".

One other thing does, however, come out of a number of studies in work with offenders, and that is — that if you can select the right form of treatment for the right

person, there is an optimum time when it stands a good chance of being successful. Perhaps it's time that research turned its combined efforts toward providing the practitioners at the sharp end with some believable tools for making correct diagnoses and thus formulating treatment proposals with something more than intuition as their basis.

Our attempts to provide a wider spectrum of treatments to the practitioners have led us to utilize various sub-divisions within the groupings I mentioned earlier. If I may take casework and look at it again. You may wish to call it personal counseling-supportive therapy. Call it what you will; it is no longer just two people sitting facing each other — with one called the client and the other called the probation officer — therapist — worker. With the probation officer going through a process called — insight giving — interpreting the transference, etc. The probation officer has new options — group work, reality therapy — short term contract case work — supportive therapy — just (but what a just) befriending. Thus, choices have to be made even within this separate resource.

To take one more sub-division. Accommodation — within Inner London, we, the probation service, now staff, run, control six probation hostels. To these hostels offenders are sent by the court on a condition of residence as part of a probation order.

We have arranged the regimes in these hostels, so that the degree of support ranges on the one hand from the very minimal (bed-sitting room type accommodation — I understand you might call this a utility apartment) to the maximum support where the food is cooked centrally and everything provided by the organization.

These are attempts by us to meet a variety of needs and to provide the probation officer with a range of resources to meet a wide diversity of types of offenders.

There is a cautionary note that should be sounded here. Whilst the management should be willing to direct its resources toward the provision of new programmes — it must also be prepared to cut its losses and close a project when it is a demonstrable failure. Closing projects will not make you any friends — because to start a project with any hope of its success, you need staff willing to dedicate themselves to the project — their dedication is essential but the destruction of the project because it does not work destroys their dedication. And that hurts.

Management needs to try and help the staff understand why the project failed and how best they may move forward with renewed dedication to the next endeavors.

Perhaps you will forgive me if I attempt another

warning. You would hardly suppose that the corrections field contained its Luddites but it does. The Luddites were a group of English workers who banded together during the period 1811-1816, and they attempted to prevent the growth of factories for the production of wool by wrecking the new machinery that was being developed for woolen production. They believed that if it was possible to destroy the machinery, they would be able to retain the original cottage-based industries. Thus, in England, Luddites have become synonymous with anyone who does not want to change their way of working.

To change the ways that people work can be seen as a threat to their employment. Fear of unemployment is not very far beneath the surface with all of us. Many of our projects employ people with skills that are not possessed by trained social workers — we use craft instructors — teachers — group workers. These can be seen as a threat. Thus, new programmes need to be accompanied by assurances to the existing staff — and in addition, there needs to be retraining programmes. You cannot suggest to those who only know how to deal with one-to-one case work that they should embark on task-centred work without giving them an opportunity to learn what is involved. Thus retraining is just as important an objective in social work as it is in ship building or mining.

In order that you should understand how our procedures work, I have drawn up the chart below.

The key word for understanding this plan is "Through care." Just a few facts before I attempt an explanation of the way this chart can be best understood. The population of the Inner London Probation Area is just under 3,000,000, and they are divided between 12 Metropolitan Boroughs. There are 450 qualified probation officers with approximately 450 support staff. The total area is divided into four divisions for operational and organizational reasons.

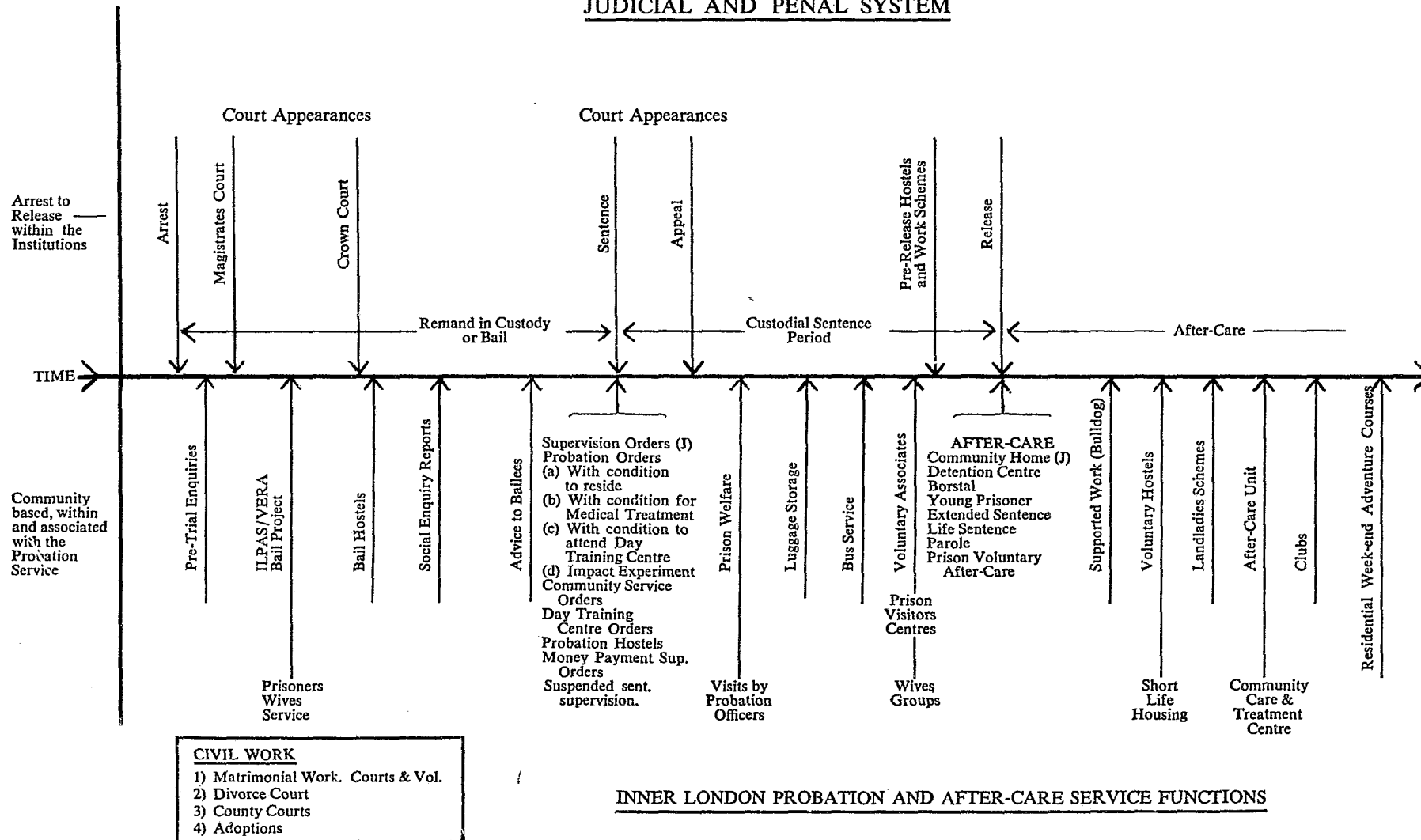
Reports have been written about the work with a number of the special projects run by the Inner London Probation Service. These reports cover:

- a) Community Service Orders.
- b) Day Training Centre Orders.
- c) Probation Hostels.
- d) Supported Work (Bulldog).
- e) Community Care and Treatment Centre.

The reports could be supplied to anyone interested. They would need to write to Mr. S. Ratcliffe, Deputy Chief Probation Officer, Inner London Probation and After-Care Service, 73 Great Peter Street, London SW1P, 2BN, England.

Inner London Probation & After-Care Service

JUDICIAL AND PENAL SYSTEM



WOMEN IN CRIME

Jane Roberts Chapman

My remarks address the topic of correctional programs for women offenders. The information which I will be presenting derives primarily from a 15-month project conducted by the Center for Women Policy Studies.

This project was sponsored by the LEAA, and it covered programs for female offenders in all parts of the criminal justice system, not just incarcerated women, but also women on probation or parole. We found that in order to study the actual programs it was necessary to look at the criminal patterns of women, the kinds and nature of the offenses they were committing. It was also very important to look at the characteristics of the offenders themselves, and thirdly, to look at how women are treated in the criminal justice system. All of these things have a great bearing on the kinds of program that need to be presented for offenders.

One of the most striking things that I learned about female offenders was how much had remained the same in their treatment for at least a century or more in this country. There have always been very few of them compared with men, and they have always been perceived as a passive group of people, and not prone to riot or to present threats in any way. And, they have consistently received very little in the way of attention or resources in the criminal justice system. Finally, one of the major themes throughout history has been the preoccupation with their immorality, which some people refer to as the "fallen woman syndrome." In all sorts of literature on women offenders, there are statements such as the one I want to read you, which appeared first in the proceedings of the National Prison Association in 1898. It characterizes women who commit criminal offenses.

"When we reflect upon the characters of such women, slaves of depraved and vicious habits often with nerves or self control and self respect broken or destroyed ... none but a woman can understand the mental vagaries arising from certain physical conditions, the temper, the obstinacy, the waywardness, the lack of will power, the sway of impulse, all referable to diseased bodies and unstrung nerves, the legitimate result of a life of sin."

This sounds like a very extreme view, but it has been a persistent one in the case of female offenders, and it was restated as late as the 1930's in what was supposedly a scientific study in which they said about female offenders:

"this swarm of defective, diseased, antisocial misfits then compromises the human material which a reformatory and parole system are required by society to transform into wholesome and law abiding citizens."

Fortunately the growth or rebirth of interest in the female offenders in the 1970's has been somewhat less preoccupied with the concept of immorality in the fallen woman, and has been slightly more concerned with the appropriate criminal justice interventions as they affect women. The work I have done at the Center has been in fact an appraisal of the correctional system's response to the women who pass through it as offenders. I think that three central points emerged from the study: 1) The overwhelmingly economic nature of women's crime; 2) The level of their economic needs; that is, most of them have to be self-supporting, and most of them have kids for whom they are responsible, and this high level of economic need is unfortunately coupled with very weak or almost non-existent skills for achieving any kind of economic independence; and, 3) Program choices are just now beginning to be developed in corrections which take these preceding economic facts into account.

But in order to develop these programs, it is very important to know more about the nature of women's criminality so that the interventions are really appropriate to their needs. Information available on women's criminality shows that, based on arrest data, female crime in the most recent period has been increasingly concentrated in economic categories. In absolute numbers and in proportion to male offenders, women are increasingly involved in property offenses. An example of this is the larceny and theft category which makes up almost 22% of all the arrests of women and only 9% of the male arrests. There has been much speculation as to why the great increase in property offenses among women. The suggested answers to the increase in women's crime have been diverse. Some suggest that the kind of offense that is represented under larceny and theft is usually, shoplifting and many of the women involved are amateurs, and may cease their activities after one arrest.

Others have suggested that the increase in women's crime is somewhat bureaucratic and definitional in nature and that changes in the category of the Uniform Crime Report have tended to exaggerate the increase. Others have suggested that the increased use of private security personnel and the adoption of the policy of automatic reporting in prosecution of shoplifters by

many retail outlets makes this sort of offender more vulnerable to arrest. Whatever the reason, the data show that by far the greatest, and a continually increasing number of arrests have been in the category of economically related crimes. This increase comes at a time in our history when women are also increasingly involved in lawful economic activity, that is, employment, and they are often, this especially in the case of offenders, heads of households. They are single parents, responsible for the children. So our conclusion, after careful attention to the data on crime, suggests that if power interventions are going to be made, they should acknowledge the responsibilities of the women and the economic nature of their crimes.

There have been some who have suggested that there is a direct connection between "women's liberation" or, the women's movement, and the increase in incidence of women's crime. Our findings, however, tend to cast doubt on this kind of connection, particularly where you define increasing employment of women as constituting increasing liberation. The argument that women's liberation has been the cause of more crime is further weakened by simple circumstances. Regardless of liberation and the high employment rates of women, the women who are committing crimes (or at least these who are being caught committing crimes) are still the poor, the uneducated, and the unemployed.

The incidence in arrest for fraud is up for women; particularly fraud related to welfare programs. Women who are on welfare are not women who are in the labor force. What the rapid increase in property crime may suggest is that increases in women's criminal activity result when demand for employment is greater than the jobs available. There is no question that women's arrest rates have gone up significantly in times of economic recession, for example, from 1930-1940, and again from 1950-1960, which were periods of slow labor force growth. On the other hand, the smallest increases in the numbers of arrests have come during the more prosperous periods such as 1946-50 or 1960-70.

In addition to understanding the criminal pattern of women, there are a number of considerations that underlie program choices for female offenders. It appears that in the past the decision about how, and why, or whether to undertake programs for women have frequently been tied to views of appropriate roles for women in society rather than to the women's financial or economic status or needs. The policy and planning decisions have, of course, been influenced by the very small numbers of women in the criminal justice system. I am consistently struck by the gap between the traditional view of women and their role in the family and what is the reality of women offenders' lives.

When it comes to the need to be self-supporting and have the appropriate skills to make that possible, the correctional system's recognition of the economic needs of women have frequently been filtered through the view of what is "appropriate" women's work. I was very struck by a public relations release from the Colorado

State Penitentiary in a document released in the last ten years (not dating back to the Victorian age by any means). It stressed that the work training it provided was in cooking, cleaning, sewing, laundry and beauty care. These are low paying positions which have always been identified with women's roles in private life as well as in the labor market. One manifestation of the idea of "appropriate female work" is a statement from a book call **Prisons for Women**, published during the 1970s. It recommended that women in prison should be trained to work in the dairy industry because, "Women are proven to be better milkers than men and understand the problems of swollen udders, mastitis, and other mammary infections."

All available data shows that women offenders are unskilled. Their employment history is quite limited. They tend to be heads of households. Up to 80 percent of them are mothers, and the majority of these are responsible for support of their children; even though they are young, they may have several children. They are disproportionately minority women, and they are likely to be unemployed. It appears that the group of women offenders have much in common with groups of women such as welfare mothers, the unemployed, and displaced homemakers. In terms of devising appropriate programs, they have more in common with other groups of women than they do with male offenders.

Another predominant characteristic which we documented is dependency. This could come in many forms and, in fact, several forms of dependency may be interrelated in the same person. She may be dependent on public welfare, chemically dependent on drugs and/or alcohol, be highly dependent on a man or men (not only economically but emotionally), even when abused. Among the clients of the programs that we studied there was an extremely high incidence of being battered by men to whom they were either married or lived with, and a very high incidence of having been sexually abused by males within their own families. Once a woman who may have any or all of these dependencies is incarcerated, there seems to be a final dependency and that is on the institution itself. A final characteristic which appears to be common to many female offenders is low-self esteem and lack of confidence. Of course, that factor has to be clearly taken into account in any decision as to providing programs and services.

The status of women programs in the criminal justice system deserves some attention. Most convicted women are not in jail or prison, they are on probation or parole. Because of this, activities in the community could potentially touch the greatest number of them, but there are very few such programs considering the number of women who could use them. Those that do exist tend to live under the eternal shadow of precarious funding. While vocational training has been pointed to as the ultimate means of reducing women's financial dependency and getting them permanently out of the criminal justice system, there are extremely few community-

based programs that can provide a decent range of vocational services in a realistic kind of setting. Some 30 community programs which we examined, were by and large overextended, financially undersupported, experimental, project-by-project operations not institutionalized into any larger agencies. They tend to lack continuity and any kind of permanent support. Whatever their value may be to the client, to the courts, or to other parts of the criminal justice system, they are given very limited recognition by funding sources and in some cases by the agencies of which they are a part. In fact, their origins tend to be equally *ad hoc*.

Our site visits and surveys revealed that often the programs were not the outcome of criminal justice planning of any sort, either at the state or local level, but were developed and funded through the determination of one or a few people. I think there is a clear conclusion here that there is little evidence of planning, policy development, or systematic attention of any sort for the female offender in the criminal justice system. The questions surrounding the funding of programs are without doubt the major concern of program management. Many of the programs begin with a three-year demonstration grant, but no matter how good they were, were seldom institutionalized when the grant ended. If any of you have ever had the pleasure of setting up a program, you know that at the end of the third year it's just beginning to shape up. The result has been the closing of a number of women's programs just at the time they matured. As female offenders are concerned, the field is even more uncertain than with men, because even established programs and experienced managers have had a lot of difficulty in surviving in the women's correctional field. I was struck by the fact that what seemed to be the best established and most comprehensive program, the Pennsylvania Program for Women and Girl Offenders, closed in 1978 after 10 years of operation. It finally just could not raise the funds to continue. A number of concerned correctional experts have cited the lack of systematic resource allocation as one outcome of the lack of planning for women. It presents an enormous barrier to the development and survival of the programs.

Even though the analysis is a little on the discouraging side, there are nevertheless some promising and very commendable programs around the country for women offenders. The likelihood that a woman who is convicted for a criminal offense will have access to such programs is very small, however, the programs just do not exist on an adequate scale. Nevertheless, we analyzed these programs in terms of whether they were effective, promising, or innovative and we put them in a framework which recognized the prevalence of economic crime as opposed to violent crimes, the offenders' economic needs, and their disadvantaged status in terms of skills.

The three kinds of program offerings found to be most critical were: 1) vocational; 2) parenting; and, 3) independent living. It is useless to train someone in a

wonderful trade if they don't know how to cash their paycheck, how to use public transportation to get to the job. The program elements for vocational services are probably the best developed in the female offender field, having had more precedents to draw upon from male ex-offender employment programs. Yet, there is no program which is developed enough to point to as an absolute model.

One of the critical aspects of employment programming for women which does not seem as critical for male offenders is "job readiness." The unfamiliarity of the women with employment procedures, combined with their low-skill level and poor self-esteem mean that in advance of training they need some substantial orientation to the work world to acquaint them with kinds of occupations, good work habits, and how to speak with someone during an interview. Some of the programs I visited operated at a very elementary level, for example, teaching women to maintain eye contact with the interviewer when they applied for a job. An employment program must also be comprehensive. It is not effective to train a woman in a new trade and then send her out into a community where nobody is hiring in those jobs. In other words, job development, placement, and follow-up services are part and parcel of the vocational process. Some of the programs that we visited were originally developed to focus on one aspect of the vocational process. But the tendency has been to keep expanding the program scope to address other problems, and ultimately, they failed because of spreading their resources too thin.

On the program management side, staff continually stress extreme cash flow problems which often result in discontinuity — the program may have to close down for a month. And of course, loss of funding can lead to closing down forever. Under circumstances like this, it is difficult to evaluate the real effectiveness of the efforts that you see around the country. It is hard to characterize them as anything more than experimental. The fact that these are so experimental and difficult to assess does not contribute to rapid development of the field.

In talking about employment for female offenders in this day and age, you can't get away without saying at least a few words about nontraditional jobs. To me the important factor about nontraditional jobs is not that there are few women doing them, it's that they pay so much better. That point should always be kept in mind. There is a critical need to train people for jobs above the minimum wage, because too many female offenders have never earned more than the minimum wage. If you work full-time all year round at the minimum wage the earnings are no more than about \$5,500. With two or more children to support, well, it's challenging if not impossible, to survive. It should not be surprising that a person might opt for welfare or criminal activity as a better source of income.

Nontraditional jobs in prisons and in community settings do exist in some instances. However, it is difficult persuading correctional officials of their import-

ance since such a program may be difficult to fund and difficult to implement. But, **they are not impossible**, and the importance of raising people's earning power makes it necessary to attempt these kinds of programs. I have seen some effective non-traditional job programs both inside and outside prisons. The Bedford Hills prison near New York City has an automotive mechanics program which places graduates with Sears automotive departments. The Federal prison in Lexington, Kentucky, has a number of apprenticeable trades open to women.

I would like to return to the parenting program and say a bit about what the better programs look like. As I mentioned, the majority of women offenders are mothers and usually they are single parents. The three areas of urgent needs are: 1) parent education, or one-on-one counseling for the mother and child; 2) expanded child visitation rights, more frequent visits with a longer duration and under more natural conditions; and, 3) supportive services such as legal education in custody cases or how to obtain social services for the child.

A parenting program is the most difficult aspect of rehabilitation to develop for women because a model parenting program should include "living in" or extensive visitation arrangements for children, but that is apparently most unacceptable to prison administrators. There are some exceptions and over time we may be able to see how these experiments have worked. Such a model has been tried more extensively in Europe than in this country, but even here I can report that in the Minnesota Prison for Women, for example, they allow the children to come spend a long weekend in the housing unit with the mother. The Washington State Purdy Treatment Center for Women has a very liberal visitation program. Most of the children under foster care live in the community adjacent to the prison, so that there can be flexible kinds of visits arranged. The Women's prison in Nebraska has overnight visits; at Bedford Hills in New York, a medium security institution, they have just implemented a policy where infants born to women who are incarcerated can live at the institution for a year with the mother.

The third major area of programs is the independent living programs. These activities may be downgraded, overlooked or ignored, which is a shame, because they are relatively inexpensive to implement. If an ex-offender is unprepared for the practical demands of life, it's entirely possible that the mechanics of heading a household in an urban area, in an inflationary economy, a credit-based bureaucratic society, may tend to defeat her attempts to establish herself in a job and become financially independent. In fact, being defeated by these things may have contributed to her original criminal behavior. The lack of any kind of rudimentary power to

control her life is the condition of many women offenders. A young offender may have the survival skills needed for street life, but be totally ignorant of what we consider to be elementary matters such as how to rent an apartment, how to maintain basic kinds of health standards, or to administer any legal or contractual arrangements that come up in everyday life. An independent living program merely teaches the offender how to do things for herself, rather than providing services that will do these things for her. There were three sorts of basic kinds of education presented in the independent living programs: survival skills such as assertiveness, personal budgeting, how to establish credit, or how to open a bank account, how to rent an apartment, how to make use of community resources. The second area is health education. That's a different matter from health care. Health education is geared toward making a woman able to better continue and maintain her life and that of her children. The third area is in legal rights and procedures, in other words, providing her with some basic education not only in domestic law, because the offenders have oftentimes incredibly tangled personal histories, but also in the criminal process that brought her where she is.

I would say that independent living programs are probably the least structured, least developed of the kinds of offender programs which I have discussed, but they are critical because they play a supporting role to vocational training and placement, and they play a very strong supporting role to the parenting activity. Their overall value is in reducing the offender's great dependency. Traditional prisons and social welfare programs tend to increase rather than decrease dependency, because first they institutionalize people and then they provide them services rather than teaching them how to do things for themselves. The model program for independent living is oriented toward community life, and if possible is conducted in the community. Several prisons run programs that very successfully present information dealing with the needs of daily life. But considering the number of female offenders who are on probation or parole, some sort of structured independent living program should be available at the community level as well.

My final assessment of the status of women in the criminal justice system and how they are treated is that there really seems to be more being done regarding women offenders than shows up in literature or in statistics. The paradox that exists now is how promising many of the programs are, and yet how temporary and experimental. This larger question of the lack of planning and policy and the resulting tenuous status of the programs underlies many of the specific problems of women offenders.

67818

THE DEVELOPMENT OF THE DANISH CRIMINAL JUSTICE SYSTEM IN THE 1970's

Ole Ingstrup

Denmark is a peaceful country in comparison with many other industrialized countries in the western part of the world from which we are able to obtain reliable and comparable figures about crime and administration of the criminal justice system.

Before I turn to the core of the problems, which I am dealing with in this connection, it is appropriate to say a few words in general about our country and our society in order to create a bit of a background for a better understanding of what has happened in the criminal justice area within the last decade.

Denmark is not only a peaceful country but also a small country with a rather small population. Our country covers a little bit more than 43,000 square kilometers and contains a population of approximately 5.2 million inhabitants which in average is between 115 and 120 inhabitants per square kilometer. If one looks upon the distribution by age of our population it can be seen that the Danish "population pyramid" is very like the one that is to be found in other industrialized — especially western countries. Three things can be stressed as characteristics: the older age groups are represented with a fairly high percentage and within these age groups a larger percentage of women are found than that of men. Secondly, we find an overrepresentation of the population in the age group from 30 to 35 — due to the fact that an above average number of children were born during and just after World War 2. Thirdly, as a consequence of the second characteristic, we find the second group's children, age group 10 to 15 years, to some extent overrepresented.

About 70 per cent of the country's land area is covered by agricultural areas whereas 9 per cent is covered by towns and cities.

Denmark has only one town, Copenhagen, our capital, that counts more than one million inhabitants and besides Copenhagen only three cities count more than a 100,000 inhabitants.

Our gross national product is approximately 190-200 billion Danish crowns (about \$40 billion) out of which the state budget takes around 60 billion crowns (about \$12 billion)

A little less than 2 billion Danish crowns (about \$400 million) of the total budget covers the expenses for the criminal justice system. The prison and probation service budget is around one fifth of the budget for the total criminal justice system, corresponding to \$20,000 for keeping one prisoner in prison or jail for one year.

It may be an important thing to emphasize that we

have in the 1970's faced a significant increase in our rate of unemployment so that among the adult part of the population there are more than 200,000 unemployed.

Turning now to more specific figures reflecting the development of our criminality in Denmark, it is a significant feature that in Denmark — like in most other industrialized countries with Japan as a rare exception — crime has increased since the beginning of the 1960's and has increased especially rapidly since the late 1960's.

If the change in the Danish criminality is measured by the number of criminal offenses reported to the police or otherways known by the police — and this is probably the most common, adequate and reliable way of measuring a country's criminality in general — although not without significant sources of error — the Danish crime situation can be enlightened by the following figures.

In 1960, 125,000 incidences were reported to the police. In 1970 this number had increased up to 260,000 incidences and further increases took place in the years up to 1974 in which year 325,000 criminal offenses were reported to the police.

A so far not adequately explained decrease in the number of reported crimes took place from 1974 to 1975, in which year 290,000 offenses were reported.

This decrease continued in 1976, when 277,000 offenses were reported but the figure reincreased in 1977 — the last year from which we have official crime statistics — p to an amount of a little bit more than 307,000 incidences.

Besides the fact that in most of the period the percentage of offenses cleared up by the police has been approximately the same, 25 per cent, it is worthwhile noticing that approximately 95 per cent of the total amount of crime reported to police or otherwise brought to the knowledge of the police has consisted of property crime, whereas crimes of violence represented approximately 0.7 per cent, sex offences approximately 2 per cent, and the rest is covered by the heading "other types of criminality."

A remarkable increase has taken place as far as robbery is concerned. In 1970, 100 cases of robbery were reported to the police whereas this figure in 1977 counts 947 incidences.

The number of murder cases has varied within the period that this lecture deals with but the average has been less than 40 cases of intentional homicide on an annual basis.

When looking upon the more disappointing development as far as the crime of robbery is concerned it may also be fair to cast an eye on the more "light" end of the crime statistics, from where it can be seen that in 1977 around 55,000 incidences out of 307,000 incidences of reported crime concern thefts of bicycles.

Another way of looking upon crime in society is to count the rate of victimization.

As far as Denmark is concerned it is true to say that with approximate figures the risk of being victimized for homicide or threat of homicide is 2.5 per 100,000. Being a victim of robbery shows a probability of a little bit less than 20 per 100,000, and being a victim of rape shows a ratio of 5.7 out of 100,000. Theft including burglary shows a figure of 5.6 per cent, and being a victim of intentional crime of violence shows a probability of 5.6 per 10,000.

Although it is difficult to obtain reliable figures when comparing crime with the gross national product it is fairly reasonable to say that approximately 0.3 per cent of our gross national product will be "touched" by property crime.

The average daily number of prisoners, including those kept in custody before trial, has in the 15 years from 1960 to 1975 steadily risen from 3,300 to a maximum in 1971 of 3,600 people.

In 1976, 1977, and 1978 a decrease, however, has taken place so that the daily average of our prison population in these years has been less than 2,900.

This rather dramatic drop in the prison population — about 12 per cent — is due to a very strong and conscious tendency in the crime policy we have exercised since the late 1960's and early 1970's.

A number of changes in the criminal code have taken place as far as the catalogue of criminal acts is concerned.

Since the late 1960's "decriminalization" has been an issue of major concern in our crime-policy debate.

Decriminalization means that certain type of acts, so far considered an offense should no more be an offense. This decriminalization debate started in Denmark in the 1960's with a debate on pornography. It was questioned whether it is necessary or appropriate to criminalize pornography to the extent to which it had so far been criminalized, and the result of the debate was that a change in our criminal code took place according to which production, import, and distribution of pornographic written material and pornographic pictures should no longer be considered a criminal offence unless pornographic pictures and items were sold to persons under 16 years of age.

From the debate prior to the change in the criminal code — not only the discussion in the Parliament but also in the mass media and in the public at large — can probably be drawn the conclusion that the decriminalization idea is not only based on a general hesitation in using punishment when society wants the population to abstain from acting in a certain way but also, and strongly, on the idea that punishment should merely be

used to protect the population against real or material damages to individuals and be used against a threat to society as a whole rather than against acts of a more moralistic character.

Although the decriminalization debate has been an issue of great concern in the last decade from a practical point of view no substantial changes in the criminal code have been accomplished.

The changes we have seen take place have merely been of a principle than of a practical character.

Especially the part of the criminal code that deals with sexual offenses has called for debate and reexamination but no general revision has been carried out.

Among the regulations for which changes have been accomplished can be mentioned that of homosexual prostitution like heterosexual prostitution, it is no more an offense in its self. At the same time a harmonization as far as homosexual and heterosexual illegal relations are concerned has occurred in that an age limit of 15 years is now valid for both situations, whereas the age limit for homosexual relations up to 1976 was 18 years.

In 1973 a number of incidences of abortion were turned from criminal to non-criminal abortions.

Nowadays a woman domiciled in Denmark has a right to induced abortion if the operation can take place within the first 12 weeks of her pregnancy. Abortion at a later stage of the pregnancy requires special conditions. In any case induced abortion is a criminal act if the operation is not carried out by a doctor.

A number of other areas have been changed or changes have been discussed or considered, but a common feature has been that from a statistical point of view the changes have been of reduced importance although from an ideological point of view of much more significant importance.

The basic idea behind the decriminalization debate during the last 10-15 years, however, has not only led to decriminalization but also to a certain extent to so called new-criminalization.

We have made discrimination because of race a criminal offense in this decade and different types of violation of people's right to privacy have become criminal offenses within the same period of time. For instance, certain types of photography and tape recording have now become criminal offenses.

From another area can be mentioned that a number of financial transactions previously considered as legal have been discussed and considered in the light of the new ways of thinking on criminalization-decriminalization which has led to a broadening of the concept of fraud and that of usury. Prior to these changes it was considered whether a more general regulation should be included in our criminal code to protect society against suspicious financial transactions but the ministry of justice and the Parliament preferred a more limited and a more clearly defined broadening of the concept of already known provisions.

Instead of fighting unwanted financial transactions by means of new general provisions, the fight was intensi-

fied through the establishment of a new prosecutor's office exclusively dealing with suspected financial transactions of major importance.

In the same way as is the case of decriminalization, the changes that have led to a wider criminalization have only led to minor changes when seen from a statistical point of view. It is far more the ideological changes that count.

The criminalization-decriminalization debate, however, is only one aspect of a much broader debate about our crime policy in Denmark.

Another — and from a practical, statistical point of view much more important — aspect has been that of depenalization in which the policymakers have focused on the use of punishment in connection with sentencing policy in our country, and especially focused on the extent to which punishment involving deprivation of liberty is used as a means of combating crime.

In 1971, a few people with legal and criminological backgrounds and rather centrally placed in the discussion of crime policy, asserted that more attention should be paid to the sentencing policy in criminal cases.

The basic ideological point of view was that freedom had become a value of increasing importance to everybody in society including those who had committed an offense. It was seen as a consequence of this point of view that a heavier burden of proof should be laid on "the system" when it deems it necessary to punish as well as in measuring the severity of punishment, especially the length of punishment involving deprivation of liberty and first and foremost, ordinary imprisonment.

It was urged that in most cases strong arguments could be put forward not to decriminalize certain types of acts totally but that these arguments would very often appear to be too vague to be effective for a reduction in the amount of punishment traditionally imposed for the same type of criminal acts.

In order to obtain the highest reduction possible in the total amount of punishment, especially that of imprisonment, it was recommended to undertake a careful investigation of the whole criminal justice system in order to discover all areas where punishment could possibly be reduced without causing an increased risk to individuals or society at large or at least without causing an unacceptable increase of these risks.

Several individual cases and statistical calculations served as background material for the main hypothesis that it would be possible to reduce punishment within the framework of a rational crime policy.

The result of this initial debate — held on a rather general level — as that the ministry of justice later in 1971 invited about 70 highranking people from the ministry itself, the courts, the police, the prosecution, the universities, pressure groups, and the political parties represented in the Parliament to a conference in order to get an impression of the general feeling about these new ideas put forward on the crime policy scene.

The general conclusion of this conference — to which

also the mass media had been invited — was that there was a positive attitude to reduction of punishment among these key persons in the future crime policy. This was especially true as far as minor or less important property offenses are concerned.

The same issue was on the agenda for The Danish Criminalistic Association's annual meeting in December 1971, and the same atmosphere was discovered at that occasion as was the situation at the above-mentioned conference.

Around New Year, 1972, the minister of justice asked three young lawyers from his ministry to prepare a report about possibilities for reduction in the use of punishment with special reference to the use of imprisonment for minor property offenses.

In March 1972 the report was submitted to the minister, and in August 1972 a printed version of the report was available to the public.

The small workinggroup laid down as a main point of view that there existed a common aversion against serious encroachment in people's liberty because of their commitment of certain types of criminal acts. As a starting point of the group it was maintained that Denmark, as compared with countries with almost the same cultural background and with almost the same criminal code, was more punitive than a number of those countries in that more people — in some comparisons considerably more people — were deprived their liberty because of crime.

Some figures, showing the number of inmates in a number of Council of Europe memberstates, showed that for instance the Netherlands on the first of January 1971 had 22.4 prisoners per 100,000 in the population. The corresponding number of inmates in Denmark was 69.8 - or three times as much, only exceeded by the United Kingdom (72.4) and West-Germany (83.6)

The workinggroup found that the percentage of offenses cleared up by the police was about 30 per cent in 1960 and in 1970 about 27 per cent of all offenses reported to the police, and it found consequently that there was no reason for the assertion that the previous years had shown a considerable fall in the amount of cleared up offences in comparison with the amount of reported offenses.

It was also found that there had been no remarkable increase in the number of reactions per 100,000 male inhabitants, and as far as the different types of reactions are concerned it could be seen that the number of withdrawal of charges had declined considerably during the 1960's from about 4,100 in 1960 to about 3,600 in 1969, showing a reduction of approximately 12 per cent.

Furthermore, the statistics showed when looking on sentences to imprisonment-including lenient imprisonment — an unbroken increase from about 2,900 sentences in 1960 to about 4,500 sentences in 1969, a percentage increase in these sanctions of about 50 per cent. The number of sentences to special treatment (youth, mentally disturbed, etc.), however, seemed to be rather constant throughout the 1960's, about 500 sentences each year.

What seemed most astonishing to the group was the percentage of suspended sentences. Out of all sentences to sanctions higher than a fine during the 1960's, the percentage was almost constant, varying between 34 and 37 per cent. The members found no basis for the assertion very often heard in those days that the crime political development of the 1960's in Scandinavia and especially in Denmark had meant a considerable increase in the percentage part of the suspended sentences.

If the goal is to reduce the total amount of imprisonment, it was found important to consider closely the character of the task and thus ask the question whether one wants to reduce the number of sentences to imprisonment, or one wants to make an effort in both fields.

When concentrating on the question of reducing the number of sentences, the figures concerning 1969 clearly showed that it was necessary generally speaking to concentrate on considering the situations resulting in short sentences of imprisonment — less than about 6 months. The majority of the sentences is placed in this group, for example. In 1969 approximately two thirds of all sentences to imprisonment for violating the criminal code were less than 10 months, whereas 25 per cent of all sentences to imprisonment were found to have a length of 60 days or less. Only 25 per cent of all sentences had a length of 9 months or more.

When looking on the same phenomenon from another angle it could be seen that the "structure" of our deprivation of liberty within the criminal justice system consisted on an annual basis of a total of 450 years of lenient imprisonment, about 1425 years of ordinary imprisonment, 250 years of imprisonment in youth-prisons, and about 250 years of incarceration of mentally disturbed offenders. The vast majority of incarceration was, in other words, concentrated on lenient and ordinary imprisonment, namely 75 per cent of all deprivation of liberty within the criminal justice system.

On this background and taking into account that about 95 per cent of all offenses committed in the country were property offenses, the workinggroup concentrated its considerations on that type of offenses resulting in short term sentences to imprisonment.

The main recommendation in the report was that suspended sentences should be used to a higher extent as far as minor property offenses are concerned. Minor property offenses were described as property offenses dealing with less than 1000 Danish crowns (\$200), without breaking into living units, without use of violence, and without connection to threats of violence.

Furthermore, it was recommended to change a traditional practice of more or less automatic recommitment of parolees when they committed a new crime because the situation appeared to be that a considerable amount of the whole body of imprisonment was caused by recommitment.

Finally, it was recommended to consider a general but

moderate lowering of the level of length of sentences which, on basis of certain calculations, could result in a reduction of 550 years of imprisonment corresponding to a reduction of 25 to 30 per cent of the total amount of deprivation of liberty within the criminal justice system in Denmark.

It goes without saying that the report contained a number of examples, calculations, and proposals other than mentioned above but what has been said covers the main idea in the report.

The report was well received in the mass media in the sense that most of the mass media were in favor of the general idea in the report, although it cannot be said that all proposals were received with the same amount of enthusiasm.

After a hearing of the conclusions in the National Criminal Law Council and by a number of authorities concerned, the minister of justice presented his final considerations in general supporting the main ideas of the report, to the Parliament that dealt with the report and its modifications in the first half of the year of 1973.

The final result of this round of efforts was a general agreement in the Parliament upon a small, and to a certain extent very formal, change in the criminal code regarding minor property offenses plus a few other changes in the criminal code.

When it is said that the change was a rather minor and a rather formal one, it is because the only thing the Parliament wanted to express with the change was that it wanted a general reduction of punishment for the type of property crime concerned.

Without any doubt, the signals from the Parliament to the criminal justice system were picked up and followed to a considerable extent but there are even indications to believe that the new tendencies were felt and followed, at least to a modest extent, before the new act changing the criminal code came into force. The idea of reducing the traditional punishment had been lively discussed especially in professional circles since the beginning of 1971 and more publicly since the publication of the depenalization report in 1972, so that the professionals as well as the more informed part of the public already were familiar with the new tendencies at the time the Parliament expressed its will by changing the criminal code in 1973.

On this background it seems reasonable to assume that the criminal justice system reacted at an early stage on the signals that two or three years later led to the changes in the criminal code.

Seen from a statistical point of view, the development can be described by means of the percentage of suspended sentences out of the total number of sentences to sanctions higher than a fine, and by means of the daily average of the prison population.

As already mentioned, the percentage of suspended sentences throughout the 1960's increased from percent, by 35 to 37, but by 1971 an increase up to 41.7 per cent had taken place. In the years from 1972 to 1977, these percentages were 45.9, 43.4, 46.8, 47.8, 46.9, and 45.0.

In the 1970's the daily average number of inmates has changed in the following way: 1970: 3,458; 1971: 3,680; 1972: 3,355; 1973: 3,350; 1974: 3,489; 1975: 3,378; 1976: 2,964; 1977: 2,747; and 1978: 2,953.

In 1975 a second depenalization round was started so that in August that year the minister of justice asked a new small workinggroup, consisting of four young lawyers from his ministry, to write a report with proposals to improve the results already obtained.

The group was asked to look at a wide range of possibilities for increased utilization of non-custodial measures in the criminal justice system. The workinggroup was directed to estimate what changes would be necessary in order to achieve a reduction in the daily average inmate population to, for instance, 2,000, 2,500, and 3,000 persons.

The workinggroup submitted their very carefully prepared report on "Alternatives to Imprisonment" to the minister in the beginning of 1977.

It deals with a number of alternatives to imprisonment such as new types of sanctions like community service orders, weekend prison, night prison, and penal supervision; and it deals besides these types of sanctions with the possibilities for widening the provisions concerning parole.

In a brief survey of the Danish crime policy in the last decade it is not possible to go in to depth on this comprehensive report, but it is probably sufficient to say that it has been an extremely valuable basis for continued debate on possible depenalization.

After the publication of the report, the minister of justice once again invited a number of key persons from the criminal justice system and among the political parties to participate in a conference concerning the contents of the report. Once again the majority of the participants showed a positive interest for strengthening the tendencies towards a reduced prison population and toward increased use of alternative measures in imprisonment, in fighting crime.

The National Criminal Law Council is at the moment working on a memorandum about the proposals and possibilities put forward by the workinggroup in its report. It is not possible at the moment to estimate what the result of the council's considerations will be, but it is hardly doubtful that, one way or another, a further development in the direction in which we are already moving will be recommended with a possible initiative in the Parliament in the beginning of the 1980's.

Other changes in the criminal code, however, have been accomplished during the 1970's besides those aiming at a reduction in the use of custodial measures in the criminal justice system.

Strongly influenced by the idea of comprehensive differentiation and individualization in the relationship between the offenders and the sanction to be imposed — an idea which has been widely spread in Europe since the beginning of the century and has influenced a considerable number of criminal codes throughout the continent — the Danish criminal code from the early

1930's contained a number of totally or partly indeterminate sanctions in addition to or as supplemental sanctions to the ordinary sanctions, fines, lenient imprisonment, and imprisonment.

In the course of the 1960's, a growing general criticism of the indeterminate element in those sanctions, a still-increasing scepticism about the value of those sanctions as an effective treatment measure, and an obvious change in the evaluation of values in the criminal justice system, especially as far as the relationship between treatment and legal guarantees is concerned, made it still more necessary to revise the provisions concerned.

These very delicate problems were dealt with by the National Criminal Law Council, and a comprehensive report from the council formed the background for an important change in the criminal code in 1973. At this time, a number of relatively indeterminate sanctions — e.g. youthprison — were abolished, and the possibilities of imposing indeterminate sanctions to mentally disturbed offenders were reduced to a minimum so that since 1973 almost only dangerous offenders of clearly defined categories can be imposed indeterminate sentences.

The Danish prison system counts 15 prisons and about 40 local jails, mainly meant for inmates kept in custody before trial. Some sentences, however, are served in the local jails, especially very short sentences.

One third of the total capacity is distributed on open establishments, and two-thirds are distributed on closed — that is walled — institutions, including the local jails.

It is a basic point of view in Denmark that the way in which the prisoners are treated should add no more suffering than what is a consequence of the incarceration itself, and it goes without saying that such a philosophy to a very high extent characterizes the development of programs and the overall regulations of the institutions as well as the daily life in the various institutions.

Not all changes and innovations in the prison system can be included in this lecture but among the more important developments for the inmates is a considerable extension in the granting of furloughs that took place in 1972.

Up to 1972 about 8,000 furloughs were granted on an annual basis, but since then the number of granted furloughs have been doubled, so that today about 16,000 furloughs are granted each year. Approximately 50 per cent of the furloughs are granted in order to make it possible for the inmate to maintain contact with his family. When an inmate serves a sentence of five months or more, he is eligible for leave for one weekend every three weeks; for the first time, this after four weeks. If he is placed in an open establishment, the first time is after ten weeks, or after having served one fourth of his sentence if he is placed in a closed prison.

For inmates serving shorter sentences than five months, there are possibilities for being granted permission to leave the prison for eight hours every weekend.

It goes without saying that the vast majority of prison

leaves are granted to prisoners who serve their sentences in open institutions, but a number of leaves are also granted to inmates from closed prisons.

The development of the furlough system caused a certain amount of tension between the prison authorities and the police insofar as it was a widespread opinion among the police that prison leave was granted to a too-high extent, and that prisoners on leave committed a considerable amount of crime during their period of absence.

In the middle of the 1970's, however, two research projects changed this opinion. One project, carried out by the prison administration, showed that only about 6.5 per cent of all the prisoners committed new crimes during their period of absence and it showed also that only about 1.5 per cent of the total number of individual incidences of prison leave were abused by committing new crimes.

Another project carried out by the prosecutor general's office, showed that less than two per cent of reported crime had been committed during prison leaves (or during escapes). A myth in the criminal justice system had been laid away and a better and more realistic climate had come to existence in the field of prison leave.

Another factor, however, had a decisive influence in bettering the climate as far as furlough is concerned. It was made an obligation for the prison directors to ask the police before granting prison leave to inmates in more difficult but clearly defined cases. The impact of this arrangement has not only been that the prison administrations often get very valuable information from the police, but furthermore it has appeared that in more than ninety per cent of the cases there is a total agreement between the prison administration and the police.

Concerning leave in order to take part in educational programs, vocational training or simply to work outside the prison, a study was made from 1974 to 1977 in which it is suggested to grant prison leave for such purposes to a higher degree. This report has been submitted to the National Criminal Law Council for further consideration.

It goes without saying that for this type of prison leave, as for all other types of prison leave, it is granted more frequently to inmates in open prisons than to those in closed prisons, and this feature will also characterize the future of prison leave for obvious reasons.

Great interest has been attached to educational programs in the prison system especially since a workinggroup in a 1973 report recommended an improvement of already existing programs, the experiences of which were deemed good especially for the youngest part of the prisoners.

Great need for intensified education was discovered among the majority of the inmates, and there was a common belief that if inmates were better educated their likelihood to relapse into crime would be reduced.

A new educational program was established in 1973,

and its basic idea was that inmates should be offered the same opportunities for education and vocational training as is the case for citizens not deprived their liberty. Secondly, it was a basic idea that education should be given by the means of the ordinary educational establishments in society to the highest degree possible and should only be given through prison programs when otherwise not possible because of security reasons.

In practice the program is run in the way that educational need is discovered as early as possible often in the local jails before the offenders are sentenced. If a prisoner can take part in society's ordinary educational programs, he will be transferred to an open prison and from there be granted leaves so that he can join an ordinary school in the neighborhood of the prison if possible.

If on the other hand it is considered necessary to transfer the inmate to a closed prison, he will be transferred to a specific prison with educational programs able to meet the majority of the inmate's needs and wishes.

In the cases where inmates take part in education this substitutes his obligation to work, but an inmate is never forced to undergo any type of education. Like in the world outside, the walls education in prisons is an offer to the individual prisoner.

A rather comprehensive research project has been attached to this program, and from the results so far obtained it can be said that most of the inmates seem to be pleased with the initiative. As far as the relationship to recidivism rate is concerned, it seems to be the fact that those inmates that take part in programs outside the walls have a slightly reduced tendency to relapse into crime, whereas no significant such reduction seems to be related to educational programs for the inmates in the closed "prison school."

The program just described is considered interesting, and it is continuously followed by research from which reports on the results obtained are frequently published.

By far the most interesting experiment and innovation we have started within the prison system in the 1970's is the newbuilt prison at Ringe. This prison is a closed establishment that holds less than 100 inmates from the youngest agegroups.

The prison is operating with a broad range of experiments. One of the experiments that has attracted most public and international interest is that for the first time male and female inmates are placed in the same living units, and there are no regulations that prohibit sexual contact between the inmates if they want to have such contact. Although the inmates are very young persons and to a high degree immature, there seems to be no negative impact because of the way the inmates are mixed. On the contrary, a number of positive reactions can be discovered in the daily life at the unit.

A major feature in the experiments is that much more responsibility is placed on the prisoners themselves than normally is the situation in most Danish prisons. The

prisoners are, for instance, obliged to do their own cooking and their own laundries.

Since the establishment of this new prison in 1976, it has been followed in all its experiments by research but up till this moment no scientific results are available. The "informed guess", however, is that the prison has succeeded in most of its experiments, and in this respect has been of value as an experimental scene for the rest of the prison system.

Until 1973 probation and parole supervision was provided by a private organization called the Danish Welfare Society. The society's work, however, was almost fully subsidized by the government, and after the recommendation of a workinggroup chaired by the Danish ombudsman, the society was absorbed by the prison administration in 1973.

In August 1973 the so called "planning committee" was set up with the task to review the structure and the contents of the whole social welfare service in the prison and probation administration, and to set forward proposals that it deemed necessary or appropriate in order to improve the effectiveness of the social services in the prison and probation system.

The committee terminated its work in November 1975 by publishing a comprehensive report.

One part of the report deals with structural considerations — the question on how the prison and probation's social welfare system should be structured in order to frame the social work in the best way.

The other part of the report deals with the ways and means by which the social services should be carried out in order to reach the goals in the best way.

Probation service outside Copenhagen was structured in the way that offices were to be found in larger cities which took care of clients living in the county surrounding the city. In Copenhagen a central office was placed in the central part of the town. This office was divided into sections each with a high degree of specialization in the sense that one section took care of young offenders, one took care of probationers, one of parolees, one of drug addicts, etc.

The planning committee suggested that a much higher degree of decentralization should be accomplished inside as well as outside Copenhagen, with the consequence that Copenhagen and the rest of the country would be divided into rather small areas with an office inside each so that the welfare officers could live and work as

close to the clientele as possible, and at the same time take care of the client whether he is a probationer, a parolee, or whatever, if he lives inside the district covered by the welfare officer concerned.

As for prisoners, it was suggested that they should serve their sentences as close to their normal place of living as possible in order to improve their possibilities for all types of contacts with the local community, including family and various agencies to which they might have a connection not only before he went to prison but also afterwards.

These structural proposals were accepted by the central prison and probation administration, and the structure has been changed accordingly.

The dominating idea in the "treatment" part of the report is that all social welfare work — like outside the criminal justice system — should be carried out on a voluntary basis.

It is said that the general experience with all other types of social work with clients is that the use in the criminal justice system of the threat of revocation damages the confidence between the social worker and his client and, as a consequence of this, social work and its possibilities to obtain its ultimate goal are damaged also.

This argument in combination with others convinced the committee that the social welfare work in prisons and probations should also be carried out on a voluntary basis with among others the consequence that the possibility of revoking a probationer or a parolee because of breach of conditions should be abolished.

That part of the report has been submitted to the National Criminal Law Council where it is under consideration at the moment.

Many branches of policy seem to have difficulties in showing a consequent line over a period of time but I feel it fair to say that the Danish crime policy over the last decade has shown a fairly high degree of consistency, and I find that Denmark to a reasonable degree has obtained what it has been aiming at as far as crime policy is concerned.

My very personal conclusion at this stage of the development of our policy would be that we have many reasons to be pleased, but as many reasons not to be satisfied.

TESTING SOCIAL LEARNING THEORY WITH ADOLESCENT DEVIANCE

Ronald L. Akers, Ph.D.

INTRODUCTION

In the last decade we in criminology have tended to shift our attention away from studying and explaining the behavior of the criminal offenders to studying and explaining the behavior of those in the criminal justice system. This is an important and necessary shift. We must understand law-making and enforcement. But we may have in the process relegated the issue of understanding law and norm violation to a position of less importance than it deserves. My major thesis in this talk is that there continues to be a theoretical and practical need for a general, coherent, and empirically testable theory of crime and deviant behavior. I offer social learning theory as a good candidate for such a theory and report some research on adolescent deviance which I have conducted to test the theory.

BACKGROUND

In the history of criminology the dominant theme has been the etiology of criminal behavior. In the past the exciting theoretical developments were all related to explaining criminal and deviant conduct. In the early years in Europe these tended to focus on biological causes, while in this country theorizing tended to develop around social causes and in both places psychiatric and psychological theories were offered. In this country theories of social class, social structure, and social process became dominant. From the first development of Sutherland's differential association theory in the 1930's and 1940's and Merton's anomie theory, to refinements of both theories in the 1950's and early 1960's by Cohen, Cloward and Ohlin, and others, and the development of alternative theories, the major theoretical developments and breakthroughs occurred in criminal etiology. The issues of law, social norms, and social control were certainly not ignored, but they clearly took a back seat to issues of the causes of criminal and delinquent behavior.

A decade ago, I published an article in *Social Forces* (Akers, 1968), in which I reviewed the empirical and theoretical state of the field in the sociology of deviant and criminal behavior. I organized that review around what I had learned, from Richard Quinney, my major professor and mentor, and from reading the works of people like Sutherland, Cressey, and Vold, were the central problems or issues in the study of crime,

delinquency, and deviance: (1) accounting for the social and legal definitions and reactions to deviance, which means answering the questions of both how the norms get formed and the process by which they are enforced, and (2) accounting for the deviant behavior itself which means answering the questions of both why the behavior is distributed in the social structure the way it is and why individuals come to violate norms. I concluded that the bulk of the criminological work until then had primarily addressed the second issue, and I called both for the development of general theory and for greater control.

In the decade since, the need for this shift of attention has been met. In the last few years we have seen a dramatic shift away from explanations of criminal and deviant behavior toward developing perspectives on societal reactions to deviant behavior. We can say that for the latter part of the 1960's and all of this decade the norm making and enforcing process and structure, especially the criminal justice system, has been the major focus of theories and studies. Labelling, conflict, and radical-Marxist perspectives have been at the center of much of the controversy and discourse in the field. Accordingly, there has been a proliferation of studies around these perspectives especially focusing on the operation of the criminal justice system. Some of this research has been geared specifically to testing propositions from conflict and labelling theories about the differential reaction to the less powerful or powerless in society (Chiricos and Waldo, 1975; Hagan and Leon, 1977; Wellford, 1975; Hagan, 1974). Much of the research, however, has been atheoretical and geared mainly to highly specific and descriptive aspects of the system. While labelling and conflict perspectives, especially labelling, have something to say about understanding criminal and delinquent behavior, their major contribution to criminology lies in calling attention to and offering models of the formal norm defining and reacting systems. Therefore, neither has succeeded in offering a general explanation of why people violate norms, although some efforts have been made in this direction (Spitzer, 1975; Taylor, et al., 1973).

To say that the priorities have shifted is not to say that the question of explaining deviant behavior has been ignored. Indeed there have been some important theoretical developments in explaining deviant behavior in the last ten years. For example, a good deal of attention in the past decade has been paid to the modern resurrection of deterrence theory (Gibbs, 1975, 1977;

Waldo and Chiricos, 1972; Tittle, 1975; Erickson, et al., 1977; Meier and Johnson, 1977). While deterrence studies once focused almost exclusively on the deterrent effect of capital punishment, they have since been extended to virtually all major crimes. However, this interest in deterrence seems to be at least as much concerned with the effectiveness of the criminal justice system as it is with explaining crime. Further the scope of the theory has not changed much and is still limited to the actual or perceived certainty, severity, and clarity of formally administered legal sanctions for violations of the criminal law. A more general theory of deviant behavior that has been developed and tested in the past decade is Hirschi's control (social bonding) theory, but it, too, tends to be restricted, mainly to informal social control which comes from individuals being bonded to groups and institutions with an almost exclusive focus on delinquency.

There are, of course, other exceptions to the diminished attention to general explanations of deviant and criminal behavior, including the recent activity with bio-sociological explanations. But none of these, if I may submit without appearing immodest, holds as much promise as the form of social learning theory first developed by Robert Burgess and me more than a decade ago as a "differential association-reinforcement" theory of criminal behavior (Burgess and Akers, 1966; Akers, et al., 1968; Akers, 1973; 1977). As the name which we gave to the theory makes clear, it was formulated as a revision of Sutherland's original differential association theory (Sutherland, 1947; Sutherland and Cressey, 1974) to incorporate general behavioral reinforcement theory taken from the work of behavioral psychologists (Skinner, 1953; 1959; Bandura and Walters, 1963; Bandura, 1969; 1977; Staats, 1975). While this theory has received some attention and is now a standard inclusion in several textbooks, it has not received the attention that conflict/Marxist views of the law and criminal justice system has and its relevance for deviance sometimes has been ignored or unrecognized even when the authors employ central learning concepts such as "reinforcement" (Harris, 1975; 1977; Eaton, 1974; Meier and Johnson, 1977; Hirschi and Hindelang, 1977). The theory is meant to be a processual theory stressing the behavioral mechanisms by which structural and other variables produce criminal and delinquent behavior. As such it is complementary to other theories and could be used to integrate extant formulations to achieve more comprehensive explanations of deviance and crime (in this regard see Akers, 1977: 63-68).

The basic learning principles on which this theory is based have received impressive empirical support under laboratory and applied experimental conditions, (see for example Skinner, 1953; Honig, 1966; Ullman and Krasner, 1969; Bandura, 1969; 1977; McLaughlin, 1971; Staats, 1975). Also prior research has been supportive of differential association theory (J. Ball, 1957; Short, 1957; Voss, 1964; R. Ball, 1968; Krohn, 1974; Jensen, 1972; Burkett and Jensen, 1975).

In the two additions of my book **Deviant Behavior** (Akers, 1973; 1977) I have organized a large body of existing theory and research on a wide range of deviant and criminal behavior supportive of or consistent with social learning. In so doing, I believe I have been able to offer a reasonable account for many of the major forms of deviant behavior from this social learning perspective. Participation in organized crime, white collar crime, and professional crime, as well as the more compulsive violent crimes and theft can be explained by social learning. Sexual deviance, prostitution, and homosexuality, deviant drinking and alcoholism, drug use and addiction, delinquency; all of these can be accounted for within the same social learning approach. However, what I have done in this regard has been primarily a *post hoc* application of principles to help make sense of empirical knowledge about the etiology of these various forms of criminal and deviant behavior (in this regard see also Feldman, 1977). What I did not do is report data collected primarily and specifically as a test of the theory. Without such tests the theory may be persuasive but it cannot be said to have been directly tested. Therefore, in 1976-77 under the sponsorship of and while on the staff as a Visiting Research Fellow of Boystown Center for Studies of Youth Development, (in collaboration with my colleague Marvin Krohn), I set out to measure theoretical variables and collect non-laboratory data in the community specifically as a test of the theory.

The type of deviance on which I chose to test the theory was adolescent deviance, specifically underage drinking and drug use, a subject on which I have a long-standing interest. In focusing on this variety of delinquent behavior, I am following a long-standing tradition in criminology. All of the major etiological theories have either been developed specifically with regard to delinquency or even when meant also to apply to adult offenses have been tested primarily with delinquent and adolescent populations. As I noted before, social learning theory is meant as a general theory applicable to the full range of deviance; therefore, this is a specific test of it with a specific type of deviance.

The first major report of that research will be published this August in **American Sociological Review**. I want here to summarize some of the findings from that report. Before reporting the results of that research, let me summarize the theory as applied to adolescent substance use.

STATEMENT OF SOCIAL LEARNING THEORY

The primary learning mechanism in social behavior is operant (instrumental) conditioning in which behavior is shaped by the stimuli which follow, or are consequences of, the behavior. Social behavior is acquired both through direct conditioning and through imitation or modelling of others' behavior. Behavior is strengthened through reward (positive reinforcement) and avoidance of punishment (negative reinforcement) or weakened by

aversive stimuli (positive punishment) and loss of reward (negative punishment). Whether deviant or conforming behavior is acquired and persists depends on past and present rewards or punishments for the behavior and the rewards and punishments attached to alternative behavior — **differential reinforcement**. In addition, people learn in interaction with significant groups in their lives evaluative **definitions** (norms, attitudes, orientations) of the behavior as good or bad. These definitions are themselves verbal and cognitive behavior which can be directly reinforced and also act as cue (discriminative) stimuli for other behavior. The more individuals define the behavior as good (positive definition) or at least justified (neutralizing definition) rather than as undesirable (negative definition) the more likely they are to engage in it.

The reinforcers can be non-social (as in the direct physiological effects of drugs) as well as social, but the theory posits that the principal behavioral effects come from interaction in or under the influence of (as in self-reinforcement) those **groups which control individuals' major sources of reinforcement and punishment and expose them to behavioral models and normative definitions**. The most important of these groups with which adolescents are in **differential association** are the **peer-friendship** groups and the family but they also include schools, churches, and other groups. Behavior (whether deviant or conforming) results from greater reinforcement on balance over punishing contingencies for the same behavior and the reinforcing-punishing contingencies on alternative behavior. The definitions are conducive to deviant behavior when on balance the positive and neutralizing definitions offset negative definitions. Therefore, deviant behavior can be expected to the extent that it has been differentially reinforced over alternative behavior (conforming or other deviant behavior) and is defined as desirable or justified. Progression into more frequent or sustained use and into abuse is also determined by the extent to which a given pattern is sustained by the combination of the reinforcing effects of the substance with social reinforcement, exposure to models, and definitions through association with using peers and by the degree to which it is not deterred through bad effects of the substance with social reinforcement, exposure to models, and definitions through association with using peers and by the degree to which it is not deterred through bad effects of the substance and/or negative sanctions from peers, parents, and the law.

The social learning theory proposes a process which orders and specifies the interrelationships among these variables. Briefly that process is as follows. Differential association which refers to interaction and identity with different groups occurs first. These groups provide the environments in which learning of definitions, imitation of models, and social reinforcement for use or abstinence take place. It is through these three processes that the adolescent comes to use, abuse, or abstain from any particular substance. The definitions are learned

through imitation and social reinforcement of them by members of the groups with which one is associated and once learned these definitions serve as discriminative stimuli for use or abstinence. The definitions in interaction with imitation of using or abstinent models and the anticipated balance of social and non-social reinforcement produces the **initial** use or **continued abstinence**. After the initial use, imitation becomes less important while the effects of definitions should continue (themselves affected by the experience of use); but it is at this point in the process that the **consequences** (social and non-social reinforcers and punishers) of the **specific behavior** come into play to determine the probability that use will be continued and at what level. These include the actual effects of the substance at first and subsequent use (the perception of which may of course be modified by what effects the person has previously learned to expect) and the actual reactions of others present at the time or who find out about it later, as well as the anticipated reactions of others not present or knowing about the use. We do not have the data to test the temporal ordering and complex interrelationships among the variables implied in this process. We do have data to test the main effects hypothesized or predicted in cross-sectional data collected at one point in time. The general hypothesis tested is that adolescent marijuana and alcohol use and abuse are related to each of the major sets of theoretical variables (imitation, differential association definitions, and differential reinforcement), independently of the effects of the other variables, and to all of them combined.

Specifically, we expect that for both alcohol and drugs, the probability of abstinence decreases and the frequency of use increases when there is more association with using than with abstinent peers and adults; when use is differentially reinforced (more rewards, fewer punishers) over abstinence; and when there are more positive or neutralizing than negative definitions of use. Similarly, among users the probability of abuse increases with more exposure to abusing rather than moderate or abstinent models; more association with high frequency users or abusers; greater differential reinforcement for abuse over more moderate use; and more positive and neutralizing than negative definitions of use.

METHODOLOGY

Sample and Procedure

Data were collected by administering a self-report questionnaire to 3065 male and female adolescents attending grades 7 through 12 in seven communities in three midwestern states. A two-stage sample design was followed. First, we selected schools from within each participating school district which were representative in terms of school size and location within the district. In smaller districts this meant selecting all or most of the junior and senior high schools in the district. Secondly, we sampled two to three classrooms (depending on

school and average class size) per grade level from among the required or general enrollment classes. Thus, although classrooms were sampled, each student had an approximately equal chance of being included in the sample. The questionnaire (which was pretested in a district not included in the final sample) was administered to all students in attendance in the selected classes on the day of the survey who had obtained written parental permission.

A small subsample, purposively sampled from among respondents who volunteered in five of the seven districts ($n = 106$, approximately 5% of the sample in these districts), was interviewed two to eight weeks after the administration of the questionnaire. The follow-up interview was intended to serve as a reliability and partial validity check on the questionnaire responses and to provide additional descriptive information. The interviews were conducted individually in private rooms at school during school hours.

Measurement of Variables

Dependent Variables

Abstinence-use of alcohol and marijuana is measured by a six-point frequency-of-use scale ranging from nearly every day to never. A quantity frequency (Q-F) scale was also computed but since there is a near perfect correlation between the Q-F scale and the frequency-of-use scale, the analysis here includes only the latter measure.

Abuse among users is measured by combining responses to the frequency questions with responses to a question asking the respondents to check whether or not they had experienced on more than one occasion any of a list of "problems" while or soon after using alcohol or marijuana. This combination produced a four-point abuse scale ranging from heavy abuse to no abuse.

Independent Variables

From the summary of social learning theory presented above it can be seen that the main concepts to be measured are **imitation**, **differential association**, **definitions**, and **differential reinforcement**. For the present analysis, we distinguish between differential reinforcement comprised of **social reinforcement combined with non-social reinforcement** (experienced or anticipated drug or alcohol effects), and of **only social reinforcement**. Each of the resulting five concepts are operationalized by a set of items measuring different aspects of each concept. These five clusters of variables (a total of 15 variables in abstinence-use analysis and 16 variables in the abuse analysis) constitute the independent variables in this analysis. (For a list and measures of the variables and more detail on methodology, see Akers, et al., ASR 1979.)

FINDINGS

The findings from the research show clear and strong support for the social learning theory of adolescent alcohol and drug behavior. When the five sets of independent variables are incorporated into the full regression equation, the model explains 55% of the variance in drinking behavior and 68% of the variance in marijuana use. For those not familiar with regression analysis this means that the multiple correlation between the social learning variables and the dependent variables is .738 for alcohol use and .826 for marijuana use. These then are very high levels of explained variance much higher than is typical for survey data. The power of the full social learning model, therefore, is demonstrated.

All of the single variables and all of the subsets into which they are grouped are positively and significantly related to alcohol and marijuana use by adolescents in the direction expected by the theory. Therefore, all of the social learning variables play some role in youngsters coming to use substances. However, they are not equally important. Another question to ask, then, concerns which of the subparts or separate variables in the theory are the most predictive of this form of adolescent deviance. One way to answer this is to look at the bivariate correlations. For both alcohol and marijuana behavior the highest correlation with a single variable is with the measure of differential **peer association** (.79 for marijuana and .68 for alcohol). Moderate to high correlations are also found with definitions favorable or unfavorable, friends reactions to one's own use of abstinence and reinforcement balance. Another way to answer the question is to run separate regression equations for each subset of variables and look at the amount of variance explained by each subset. When the variables are grouped into the major subsets given above, we find that the most predictive subset is differential association (including both adult and peer associations and norms). The next most predictive subset is definitions favorable and unfavorable to use followed by differential reinforcement (the combined social/non-social subset is somewhat more explanatory than the social reinforcement subset alone), and finally imitation.

Although this shows that some parts of the theory are more powerful than others, the analysis clearly shows that each subset is significantly and positively related to the dependent variables and that, with the possible exceptions of imitation, each on its own can explain a substantial amount of variance in marijuana and alcohol use. Indeed, even when the most predictive subset is removed from the equations, the remaining subsets still explain 43% and 56% of the variance in alcohol and marijuana behavior.

Essentially the same findings hold when we move from explaining abstinence or frequency of use to explaining abuse of the substances — high levels of use with associated problems. The correlations of alcohol

and marijuana abuse with the social learning variables are also high, but not as high as those for just use. Thus, the multiple correlation of the social learning variables and marijuana abuse is .623 (39% of the variance explained) and the multiple correlation of the variables and alcohol abuse is .561 (32% of the variance explained). The ordering of the independent variables is about the same except that imitation (as expected) becomes even less important in abuse than use, and differential reinforcement (especially from the drug effects themselves) as predicted by the theory, becomes more important in abuse.

CONCLUSION

It is evident, then, that social learning theory has been shown in this test to be a powerful explanation of whether or not youngsters abstain from alcohol and marijuana, the frequency with which they use once they start, and the extent to which they proceed on into abuse of the substances. As predicted by the theory, the adolescents in the study refrain from or use and abuse alcohol or drugs to the extent that they have imitated and been differentially reinforced for such behavior in primary groups (especially peer groups) with which they have been differentially associated and have come to define using the substances as more desirable than, or at least as justified as, abstinence from them. All of the dependent variables are related to the social learning variables of differential association, definitions, differen-

tial reinforcement, and imitation. The most powerful of these is differential association, but the other variables stand on their own in explaining substantial portions of variance in both use and abuse (except for imitation which explains almost no variance in abuse).

The strength of support for the theory indicates that it should be successful in explaining use and abuse of other substances by adolescents. We are still in the process of analyzing findings on use and abuse of stimulants, depressants, psychedelics, and opiates. I am beginning this summer, in collaboration with a pediatrician on the medical faculty at the University of Iowa, a five year longitudinal project testing the ability of the theory to explain adolescent smoking behavior and to form a basis for a smoking prevention program. The theory should also do well when tested with other forms of deviance or crime. This study, I believe, demonstrates that the central learning concepts are amenable to meaningful survey research measurement and that the theory can be adequately tested with survey data collected in the open community.

Let's not give up the appropriate interest in explaining social norms and reactions, but let's also get back more to the central issue of explaining why those norms are violated and move toward a general behavioral theory of crime and deviance. Later research may show otherwise, but my investigation and research to date indicates that social learning may be a very good candidate for that theory.

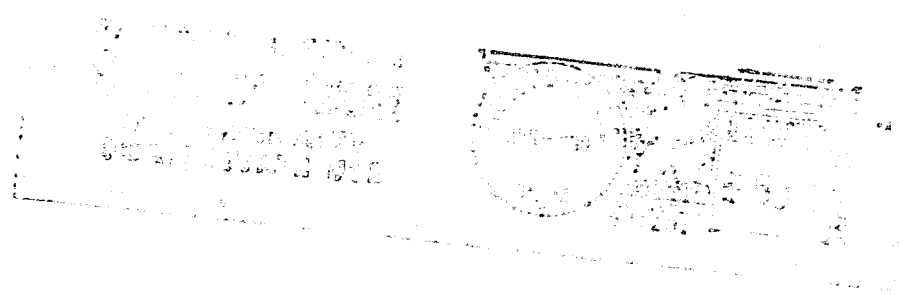
REFERENCES

- Akers, Ronald L.
1968 "Problems in the sociology of deviance: social definitions and behavior." *Social Forces* 46:455-65.
1973 *Deviant Behavior: A Social Learning Approach*. Belmont, Calif.: Wadsworth.
1977 *Deviant Behavior: A Social Learning Approach*. Second edition. Belmont, Calif.: Wadsworth.
- Akers, Ronald L., Robert L. Burgess and Weldon Johnson
1968 "Opiate use, addiction, and relapse." *Social Problems* 15:459-69.
- Akers, Ronald L., Marvin D. Krohn, Lonn Lanza-Kaduce, and Marcia Radosevich
1979 "Social Learning and deviant behavior: a specific test of a general theory," *American Sociological Review*; forthcoming.
- Ball, John C.
1957 "Delinquent and non-delinquent attitudes toward the prevalence of stealing." *Journal of Criminal Law, Criminology and Police Science* 48:259-74.
- Ball, Richard A.
1968 "An empirical exploration of neutralization theory." Pp. 255-65 in Mark Lefton, James K. Skipper and Charles H. McCaghy (eds.), *Approaches to Deviance*. New York: Appleton-Century-Crofts.
- Bandura, Albert
1968 *Principles of Behavior Modification*. New York: Holt, Rinehart and Winston.
1977 *Social Learning Theory*. Englewood Cliffs, N.J.: Prentice-Hall.
- Bandura, Albert and Richard H. Walters
1963 *Social Learning and Personality Development*. New York: Holt, Rinehart and Winston.
- Burgess, Robert L. and Ronald L. Akers
1966 "A differential association-reinforcement theory of criminal behavior." *Social Problems* 14:128-47.
- Burkett, Steven and Eric L. Jensen
1975 "Conventional ties, peer influence, and the fear of apprehension: a study of adolescent marijuana use." *Sociological Quarterly* 16:522-23.

- Chiricos, Theodore G. and Gordon P. Waldo
1975 "Socioeconomic status and criminal sentencing: an empirical assessment of a conflict proposition." *American Sociological Review* 40:753-72.
- Eaton, William W.
1974 "Mental hospitalization as a reinforcement process." *American Sociological Review* 39:252-260.
- Erickson, Maynard L., Jack P. Gibbs and Gary F. Jensen
1977 "The deterrence doctrine and the perceived certainty of legal punishment." *American Sociological Review* 42:305-317.
- Feldman, M.P.
1977 *Criminal Behavior: A Psychological Analysis*. London: Wiley.
- Gibbs, Jack P.
1975 *Crime, Punishment and Deterrence* New York: Elsevier Scientific.
1977 "Social control, deterrence, and perspectives on social order." *Social Forces* 56:408-423.
- Hagan, John
1974 "Extra-legal attributes in criminal sentencing: an assessment of a sociological viewpoint." *Law and Society Review* 8:357-83.
- Hagan, John and Jeffrey Leon
1977 "Rediscovering delinquency: social history, political ideology and sociology of law." *American Sociological Review* 42:587-598.
- Harris, Anthony R.
1975 "Imprisonment and the expected value of criminal choice: a specification and test of aspects of the labeling perspective." *American Sociological Review* 40:71-87.
1977 "Sex and theories of deviance: toward a functional theory of deviant type-scripts." *American Sociological Review* 42:3-16.
- Hirschi, Travis and Michael J. Hindelang
1977 "Intelligence and delinquency: a revisionist review." *American Sociological Review* 42:571-587.
- Honig, Werner
1966 *Operant Behavior: Areas of Research and Application*. New York: Appleton-Century-Crofts.
- Jensen, Gary F.
1972 "Parents, peers and delinquent action: a test of the differential association perspective." *American Journal of Sociology* 78:63-72.
- Krohn, Marvin D.
1974 "An investigation of the effect of parental and peer associations on marijuana use: an empirical test of differential association theory." Pp. 75-89 in Marc Reidel and Terrence P. Thornberry (eds.), *Crime and Delinquency: Dimensions of Deviance*. New York: Praeger.
- McLaughlin, Barry
1971 *Learning and Social Behavior*, New York: Free Press.
- Meier, Robert F. and Weldon T. Johnson
1977 "Deterrence as social control: the legal and extralegal production of conformity." *American Sociological Review* 42:292-304.
- Short, James F.
1957 "Differential association and delinquency." *Social Problems* 4:233-39.
- Skinner, B.F.
1953 *Science and Human Behavior*. New York: MacMillan.
1959 *Cumulative Record*. New York: Appleton-Century-Crofts.
- Staats, Arthur
1975 *Social Behaviorism*. Homewood, Ill.: Dorsey Press.
- Sutherland, Edwin H.
1947 *Principles of Criminology*. Fourth edition. Philadelphia, Pa.: Lippincott.
- Sutherland, Edwin H. and Donald R. Cressey
1974 *Criminology*. Ninth edition. Philadelphia, Pa.: Lippincott.
- Tittle, Charles R.
1975 "Deterrents or labeling?" *Social Forces* 53:399-410.
- Ullmann, Leonard P. and Leonard Krasner
1969 *A Psychological Approach to Abnormal Behavior*. Englewood Cliffs, N.J.: Prentice-Hall.
- Voss, Harwin
1964 "Differential association and reported delinquent behavior: a replication." *Social Problems* 12:78-85.
- Waldo, Gordon P. and Theodore Chiricos
1972 "Perceived penal sanction and self-reported criminality: a neglected approach to deterrence research." *Social Problems* 19:522-540.
- Wellford, Charles
1975 "Labelling theory and criminology: an assessment." *Social Problems* 22:313-32.

Continuing Education
CRIMINAL JUSTICE CENTER
Sam Houston State University
Huntsville, Texas 77341

Educational Rate



Mail to:

NCJRS Librarian - *Acquisitions*
LEAA
U.S. Dept. of Justice
Natl. CJ Ref. Svc.
Washington, DC 20530