Federal Probation

SEPTEMBER 1985

This Issue In Brief

The Myth of Corporate Immunity to Deterrence: Ideology and the Creation of the Invincible Criminal.—Commentators frequently assert that the criminal law is ineffective in deterring corporate crime because either (a) the public will not support sanctions against businesses or (b) companies are too powerful to be swayed by existing legal penalties. Authors Francis T. Cullen and Paula J. Dubeck suggest, on the contrary, that studies reveal the public favors the use of criminal sanctions against offending corporations and such sanctions will ultimately diminish future illegality.

Racism, Sexism, and Ageism in the Prison Community.—A survey of literature suggests that blacks, women, and the elderly experience differential treatment in prison and that such treatment is somewhat in concert with that afforded them in the outside community, according to Professor Ann Goetting of Western Kentucky University. She concludes that such discrimination is likely to persist in the institutional setting until such time it is no longer tolerated in society at large.

Sentence Planning for Long-Term Inmates.—Recent sentencing law changes throughout the United States are likely to produce an increase in size and proportion of long-term prisoners in state and Federal correctional facilities. Professor Timothy J. Flanagan of the State University of New York at Albany addresses a number of issues involved in planning constructive sentences for these prisoners and discusses administrative structures for the implementation of long-term sentence planning.

Profiles in Terror: The Serial Murderer.—One alarming aspect of contemporary serial murder is the extent to which its perpetrators believe that violence against human beings is a normal and acceptable means of implementing their goals or motives, assert University of Louisville professors Holmes and DeBurger. Their article describes a systematic typology of serial murder and indicates some of the general characteristics of the offender.

Computers Can Help.—Until recently the computer-assisted instructional options available to correctional educators were not very practical, reports Federal prisons education specialist Sylvia G. McCollum. The situation has changed sharply, however, and correctional educators can now choose

Protective Custody: The Emerging Crisis Within Our Prisons?*

BY PAUL GENDREAU, MARIE-CLAUDE TELLIER, AND J. STEPHEN WORMITH**

ONCE LARGE groups of offenders are housed together, an inmate code soon becomes established which reinforces certain social values in terms of how the offenders relate to themselves and the prison administration (cf. Clemmer, 1966). When the inmate societal code is enforced, some offenders are submitted to emotional and physical abuse. Inmates who are in danger in the general population may be placed in isolation for their own protection. This is known as protective custody (PC). During the past two decades there has been a dramatic increase in the use of PC in North American prisons.

The Increase in Protective Custody

According to a 1978 national survey of every state and Federal prison in America (Greenfield, 1980), 2.3 percent of the incarcerated population was classified as PC. In a 1982 survey of 31 penal institutions (American Correctional Association [ACA], 1983), the estimated overall PC rate was 6.2 percent.

In Canada, 2.5 percent of the federal inmate population was confined to PC facilities in 1972 (Vantour, 1979). In October 1978, the number of protection cases had increased to 6.8 percent (Vantour, 1979), and the most recent statistics reveal that over a thousand inmates, or 9 percent of the total inmate population (Correctional Service of Canada [CSC], 1984a) require protection. Provincial penal institutions also cite a high rate of PC. Ontario, the most populous province with 46 institutions, reported that 14.7 percent of its inmates are in PC, and in some regions the rate is as high as 21 percent (Ministry of Correctional Services of Ontario, 1983). Although British statistics are

unavailable, in 1965 the prison department concentrated its PC's in just one wing at Strangeway Prison in Manchester. Subsequent PC numbers increased to the extent that an entire prison has now been set aside for such purposes (Priestly, 1980). The following section addresses some of the hypotheses concerning the increased use of PC.

Prison Changes

Historically, inmate freedom was severely restricted with rules of strict silence and virtually complete inactivity. This lack of opportunity for inmates to interact minimized the threat of injury to any inmate who was perceived as undesirable and who would be a candidate for PC in today's institutions. Only in the last two decades, as inmates have been allowed considerable access to each other, has the PC problem developed.

In recent years the superintendent or warden's role and his control over the administration of his institution has lessened. Formerly, prison administrators had ultimate and unchallenged authority within their immediate jurisdiction. Because of this authority, it has been speculated that inmates often protected themselves from administrative action by ensuring that few assaults occurred amongst themselves. Certainly, the degree of institutional discipline administered has lessened (Canadian Penitentiary Service, 1975). Severe punishments such as the use of the strap, extensive use of solitary confinement, and the revocation of large amounts of "good" time, have either been abolished or are under strict control in many jurisdictions. In some settings, offenders are allowed legal counsel in regard to hearing of misconducts. These and other examples of the diminished authority of prison administrators have led Clements (1980), Anderson (1980), and Gettinger (1979) to state that the rising demand for PC is, in part, evidence that the prison is failing to discharge its function effectively.

Prison systems have dramatically increased the practice of granting furloughs, day passes, and temporary leaves. Occasionally, pressures are put on inmates to do "favors" for other inmates, such as

smuggling drugs into the institution upon return from the community. Failure or refusal to cooperate with their peers can jeopardize their safety (Vantour, 1979).

Anderson (1980) and Vantour (1979) have noted that inmates are much more media conscious and have more access to the popular press than in the past. As a result, inmates often know who has been sentenced and for what reason. Therefore, the presence of undesirables arriving at the institution is easily known. New inmates cannot hide the nature of their offences as they once might have been able to do.

A popular contention today, one that is used to explain many of the ills of the contemporary prison system, is that prison overcrowding has also contributed to a greater reliance on PC. This hypothesis has face validity as it is reasonable to expect that personal tensions regarding living space and interpersonal reactions would increase in overcrowded conditions and this would subsequently lead to various sorts of altercations. However, a review of the prison crowding literature (Bonta, 1984) clearly demonstrates that a simple relationship between crowding and prison disturbances does not exist. It appears (Bonta, 1984; Porporino and Dudley, 1984) that several other factors must exist in crowded situations to produce stressful behaviour which may subsequently be related to requests for PC.

A corollary to the overcrowding hypothesis is derived from the tendency in criminal justice systems to use ineffective or outmoded classification systems that inadvertently crowd institutions (Bonta and Motiuk, in press; Clements, 1982). Many classification schemes are based on historical risk factors. When classification is carried out in this manner inmates tend to be overclassified for maximum security environments which are already overcrowded. Ironically, many medium and minimum security correctional environments are left begging for inmates because of this tendency to overclassify. In any case, the overcrowded maximum units consist of many younger inmates, who tend to produce the most misconducts in the first place and who may resort to inmate-to-inmate violence to resolve their socialization problems in prison.

It has been suggested that the increased number of federal offenders with no previous prison or penitentiary experience may also be contributing to the greater use of PC. One of the enduring myths in corrections is that the inmate population of earlier years was more "professional" and more capable of doing their "own time." This contention, however, did not receive strong support by Seunath (CSC, 1978a) in a study of federal PC inmates in Saskatchewan. In a sample of PC sex offenders, 60 percent had never served a penitentiary term (2 years or more), and 30 percent had served no previous time at all. Among nonsex offender PC inmates, 70 percent had never served a penitentiary term and 34 percent had served no previous time. Statistics prepared by CSC for 1978 and 1983 pertaining to inmate population profiles also support the above notion. April 1978 statistics indicate that 66 percent of the 9,379 inmates were incarcerated in a federal institution for the first time. By December 1983, although the rate of first-time federal incarcerates had fallen to 62 percent of 11,500 inmates, the absolute frequency of first-time offenders had actually increased by 940 inmates (CSC, 1978b; 1984b).

Recent developments in the field of mental health have become a concern to judicial and correctional administrators since changing policies and treatment strategies have reduced the hospitalized psychiatric population (Bassuk and Gerson, 1978; Gendreau and Ross, 1979). Deinstitutionalization has led to a strong community mental health movement and the emptying of psychiatric hospitals. The incidence of hospital beds per thousand of population fell from 3.4 in 1960 to 1.5 in 1972 (Allodi, Kedward and Robertson, 1977). Recently, Teplin (1983; 1984) has provided the most definitive review on the topic and states that while the quality of the data supporting this hypothesis is weak, there at least appears to be modest support for mental health deinstitutionalization adversely affecting corrections agencies. At least three Canadian studies, two using objective psychometrics (Gendreau, Grant, Leipciger and Collins, 1979; Wormith, Borzecki and Black, 1984) and one based on psychiatric history (Allodi, Kedward and Robertson, 1977) have reported that offender personality profiles have changed in the last decade so as to resemble more closely those of psychiatric samples. However, no data directly demonstrate that the increase in PC is partly due to such types being incarcerated, although it would be reasonable to assume that such individuals, once institutionalized, would be stigmatized as undesirables and, consequently, become candidates for PC.

A historical review of federal prairie inmates revealed that the percentage of sexual offenders has also increased substantially over previous years (Wormith, 1983). A search of federal inmate files in the Prairie Region of the Correction Service of Canada generated 136 sexual offenders or 7.9 percent of the inmate population in 1977. Five years

later a repeated analysis of an updated data base was carried out in an identical fashion, yielding 239 cases, or 11.7 percent of the regional population. Stated differently, in a geographic area where the total inmate population increased 18 percent in 5 years, those whose major current offence was clearly of a sexual nature increased 76 percent. We can therefore tentatively draw a parallel between the increased numbers of sexually and psychologically disordered offenders within our penal institutions and the increasing number of requests for PC.

The relative solitude of most PC units may make these units particularly attractive. This hypothesis was suggested years ago (Scott and Gendreau, 1968) as a result of research on solitary confinement in Kingston Penitentiary when requests for solitary were not uncommon. According to an official in the Illinois Department of Corrections (Anderson, 1980), a real problem with PC is that it becomes a "hide out," either to avoid problems or to plan some activity. It becomes a part of gang politics. However, PC may be helpful in the sense that the inmate may feel free from the potential violence he perceives in the general population. Seunath (CSC, 1978a) refers to statements from inmates at the Saskatchewan Penitentiary who chose to stay in PC because of their preference for individual cells and the privacy they afford.

Finally, the growth of inmate gangs and cliques tend to put pressure on certain individuals more than others (Conrad, 1977a). Often street gangs continue their gang activities within the prison, and the power of these gangs is a tremendous source of fear (Anderson, 1980).

Judicial and Court-Related Changes

The frequent practice of the police and the judicial system in handling investigations and trials may be an important causal factor in the increase of PC. In the United States, recent court decisions and laws have increased the due process required to place inmates in PC (ACA, 1983). The practice of the police and the courts is to encourage accomplices to testify against each other. At the same time, the police and detention centers often have the habit of segregating certain offenders and thus labeling them as PC cases. For example, some of the large buses which are used for transporting inmates from jails to other institutions have specially screened areas for individuals who *might* need protection (CSC, 1978a). Hence, these inmates suffer the PC stigma even before entering the institution. In England, Priestly (1980) reports that staff attitudes at reception are instrumental in directing some in-

mates to seek protection immediately upon admission.

Another reason for the increase may be the inmates' increasing willingness and ability to sue for damages and the likelihood that prison officials may be held personally liable for injuries by inmates in their care (Anderson, 1980). Legal consequences could be drastic if an inmate were hurt or killed by other inmates after having been refused admission to PC. Conrad (1977b) has claimed that classification staff make conservative decisions about custody too often because they fear the consequences of the alternatives.

The increasing humanitarian concerns of the public, special interest groups, and the media about what takes place in institutions is yet another factor (Vantour, 1979). Persons in the community are now taking notice of what goes on "inside" and are more concerned with the human rights of inmates. This interest results in considerable pressure on the institutional administration to avoid placing inmates in high risk situations. As a result, the administration tries to play safe by granting protection to any inmate who requests it or is considered to require it.

Reasons for Seeking PC

Many of the hypotheses regarding the question as to why inmates seek PC may be derived from previously noted "theories" concerning the ontogeny of the problem. In 1975, Vantour (Canadian Penitentiary Service, 1975) stated there were four factors that motivate inmates' fears and account for their desiring PC. These were: the nature of the present or previous offences, the nature of the inmate (i.e., if he was lacking social skills or suffers from generic fears or phobias), problems experienced within the institution, such as personal conflicts, and previous street activities. Toch (1977) claimed that predispositional factors of inmates were the main reasons for PC. He provided a typology of PC's as either targets of sexual aggression, perceived informers, avoiders of retaliation, or individuals particularly vulnerable because of age and inexperience in prison life.

On the basis of a study of solitary confinement at Washington State Prison, Barak (1978) claimed that the rising rate of prison violence attests to the fact that prisons were neither capable of neutralizing violent inmates nor able to provide adequate protection for potential victims. Thus, we have an increased use of isolation in all its forms. He distinguished between four types of inmates in PC: informers (actual or perceived), debtors (due to gambling or drugs), inmates who were targets of sexual aggres-

sion, and those suffering from "generic fears or phobias." However, Vantour (1979) reports a substantial increase in the number of PC's who no longer fit any of the convenient categories.

Gettinger (1979) focused on a specific type of PC case, that of the informer and how he acquired his stigma. An inmate would not become a "snitch" if he provided information about a particularly violent inmate or if the information was intended to preserve order in the institution. These actions would be regarded as having "noble motives" by the inmate population. On the other hand, an inmate who provided information to the authorities solely for some sort of personal benefit vis-a-vis another inmate (especially a solid con) soon would be bound for PC. Furthermore, Gettinger found that correctional officers also distinguish between those inmates who are concerned about the general welfare of the institution and those who are trying to get others in trouble for vicarious reasons.

Two important reports were prepared in 1983, one by the Correctional Service of Canada (CSC, 1983b) and the other by the American Correctional Association (ACA, 1983). In Canada, the reasons for requesting PC included conflicts in population (37 percent), nature of the inmate's offence (35 percent), being an informer (20 percent), personality problems (6 percent), and psychological or sex problems (2 percent). In the United States study, the reasons for requesting PC were as follows: gambling or other debts (15 percent), informants (12 percent), fear of gays (12 percent), unfounded fears or fears of population (9 percent), holdovers (8 percent), and unspecified requests (44 percent). The lack of congruence between the two jurisdictions is noteworthy, although this difference may be partially due to the manner in which the questions were asked. Certainly, the 44 percent in the "unspecified" category of the ACA survey is consistent with Vantour's (1979) statement that more inmates are coming into PC for vague reasons. It suggests that classification personnel may be asking inappropriate questions.

It is worth speculating that PC may have become such an accepted part of prison life that it is more a matter of attitude on the part of the inmate and the staff than an actual question of physical safety. The following quote illustrates the problem: "For me going into protective custody wasn't dealing with the situation," an inmate from Stillwater Institution says, "it was avoiding the situation." (Anderson, 1980, p.15). Finally, a 1984 CSC committee on special inmate categories has predicted that the majority of future PC inmates will be of a nontraditional nature, specifically, those who "cannot do

time" and wish to escape the crowded and possibly violent atmosphere of a maximum security institution (CSC, 1984b). This commentary leads us to the next topic which is a profile of the PC clientele.

Characteristics of PC Inmates

The personal characteristics of the PC inmate have been largely ignored. However, Wilson (1983) recently compared PC inmates to nonprotective custody inmates on personal factors, criminal history, psychiatric status, psychological and sociological assessment, and institution behavior. The PC inmate was more likely to be a sex offender (48 percent of the PC inmates versus 4 percent of the general population). The 4 percent suggests that certain offenders can manipulate the environment in order to counteract the "handicap" of their offence. The PC clientele was more likely to come from a psychopathological and criminogenic family. The PC inmate received psychiatric attention earlier in life and in greater frequency at all surveyed stages. Protective custody men are seen as having a 50 percent chance of being defined as having either inadequate or antisocial personality disorders. As well, 43 percent have been diagnosed as having alcohol or drug dependency problems.

Wilson (1983) concluded that the PC group and the nonprotective custody group can be differentiated from one another, particularly in regard to psychological attributes. Furthermore, with such high incidence of both sexual offenders and self-destructive behaviours, a poor self-image and lack of social skills can be expected among PC inmates.

While the above argument sounds convincing, Wilson's (1983) control group was a comparison group of an approximate nature. In addition, relying on file data alone leaves a study open to the inherent biases in the referral system which can lead to an overdiagnosis of psychopathology. For example, many PC inmates are incarcerated for controversial offences and therefore are the subject of intensive psychiatric and psychological diagnoses which then reveal a substantial amount of psychopathology. It is worth speculating that if the comparison group had been assessed with the same degree of detail, a good deal of psychopathology would have been uncovered indicating a lack of social skills, a poor self-image, etc. Furthermore, a recent study (Brodsky, 1984) suggests that any psychopathology in PC may be due to the characteristics of the setting rather than inherent traits of the clientele. Brodsky's investigation of three PC facilities, although cross-sectional in design, found that psychological symptoms vary with the severity of

the environment. PC inmates were relatively symptom-free in a facility with adequate programming and services but expressed a great deal of symptomatology in severe, oppressive settings. Therefore, until more adequate control groups are employed and objective interview and psychiatric data at the time of incarceration are gathered, the hypothesis that PC's are psychologically disturbed or inadequate remains conjecture.

Living in PC

The exact housing situation for PC's has recently been surveyed in the United States. The ACA (1983) survey of 31 institutions reports the following conditions. While most institutions (15) had three types of segregation (PC, administrative segregation, and disciplinary detention) in a common area or spread throughout the institution, other institutions included PC within the administrative segregation (4) or disciplinary detention units (2), had a completely separate PC unit (9), or claimed no PC unit whatsoever (1). The physical layout always included 24-hour supervision and usually accommodated single bunk cells only (62 percent), although mixed single and double bunks (24 percent) as well as double bunks only (14 percent), were also reported. Occupant-controlled toilets (97 percent) and lighting (63 percent) were the norm, but only 50 percent of the accommodations had an outside window. Elsewhere, in a survey of three institutions, Brodsky (1984) reports extremely varied environments, both in terms of physical structure and interpersonal milieu.

In Canada, two federal institutions are populated with PC inmates, Kingston and Saskatchewan penitentiaries. Francophone inmates requiring protection are confined to separate ranges from the general inmate population in Laval Institution pending construction of a new PC facility in Drummondville, Quebec. A third PC institution for anglophones is planned for Renous, New Brunswick. Elsewhere, when PC is requested, administrators may try to accommodate the inmate within the institution or transfer him to another institution where PC facilities are available. The housing situation in provincial jurisdictions is not clear. Most settings try to cope with their own PC population, although some institutions will take PC's on referral from other settings.

Quality of Life

What first appears to be a nonissue is in fact one of the most complex aspects of PC. Defining the legal rights of PC inmates has been a slow and painful process. Article 7 of the *Charter of Rights and Freedoms* (Canada, 1982), *Parker* v. *the State* (ACA, 1983), and *Sweet* v. *South Carolina Department of Corrections* (Sitterson, 1977) have all been signposts pointing to the fact that inmates in PC should be treated equally and fairly and have access to programming that non-PC inmates receive routinely. In the last few years, PC areas have frequently been ordered by courts to be roughly equivalent in terms of programs and activities to those available to the institutions (Anderson, 1980). Anderson has noted that if the state is large enough and has an elaborate prison system, it should devote an entire institution to housing PC inmates. Therefore, it should not have problems implementing PC programs similar to those offered to the general inmate population. Unfortunately, the reality of the current situation indicates otherwise.

Seunath (CSC, 1978a), in his study of four Canadian penitentiaries, concluded that most inmates spent a reasonable part of their day outside their cells, although much of this time was largely unproductive. He expressed concern that PC inmates in the cell block must "demonstrate good behaviour" in order to increase their time out of the cell. However, the Correctional Services of Canada policy states that PC inmates are to be confined in separate institutions, or in a different part of the institution, with the same range of facilities and programs available to population inmates.

Ironically, PC inmates require maximum security protection, regardless of their own security rating. Consequently, incarcerated at a maximum level institution, they probably are not considered for parole in accordance with their "true" security status, but in accordance with the acquired label of a maximum risk inmate.

An article in the *Toronto Star* (Blatchford, 1979), purportedly portrayed what kind of privileges were offered in PC at Millhaven, a maximum-security institution and provides an idea of the prevailing attitudes vis-a-vis PC programs. The report elaborated on 15 prisoners who had requested PC for their own personal reasons. Their reasons included everything from not wanting to work to an inability to get along with certain population inmates as a result of gambling debts, quarrels, etc. In segregation, they were denied such privileges as television sets in their cells, regular phone calls home, access to recreation areas and the gymnasium, participation in work and craft programs, and visits to the prison chapel. In addition, they were allowed out only to go to a small exercise yard or a common room in the segregation area.

However their next-door neighbours, inmates segregated *involuntarily* in a Special Handling Unit (SHU), benefited from more privileges. Since they were serving longer sentences, they had been granted a few amenities such as T.V. sets and more privileges in their cells to assist them in passing time. Furthermore, the violent SHU prisoners are confined to their cells 16½ hours a day, compared with 18 hours for the PC inmates. As one PC inmate sentenced to 15 years for manslaughter says:

> If I were violent, and tomorrow went out and took a guard hostage, the system would put a television set in my cell, and give me a phone call home once a month. (Blatchford, 1979)

At the time, there was no plan to extend these "privileges" to the PC area, since this action would encourage more inmates to isolate themselves from the general population. Interestingly, inmates interviewed for the studies by Toch (1977), Vantour (CPS, 1975), Brodsky (1984) and the ACA survey (1983), were not overly critical of their situation. In each of these studies, it was clear that the inmates felt they could not complain too much since they asked for protection. It appeared that the inmates were prepared to do without certain amenities if their safety could be guaranteed.

Safety was the most frequently mentioned positive attribute of protection in the ACA survey (1983), although there was some indication that PC was not safe enough. According to a self-report scale, PC inmates expressed a high level of fear. Inmates also listed the privacy of their environmental setup as a positive attribute, although they were not content to pass time aimlessly in their cells. PC inmates also tended to lack outdoor recreation activities and certain work opportunities.

Living conditions in prison are certainly influenced by staff attitudes towards inmates, and PC inmates are by no means popular with correctional staff. In the ACA study (1983), 45 percent of the staff had an unfavorable attitude toward PC. Staff members were asked to enumerate the best and worst things about working in the PC unit. The reasons why they found PC duty an unpleasant task indicated a negative bias. PC inmates were regarded as a lower quality of inmate and as being too complaining and demanding. Staff members also complained about protecting PC inmates from other inmates, taking excessive verbal abuse, and being confined to a single working area. On the other hand, the positive features cited included a good staff-inmate ratio, a limited time assignment, and a smaller, nonviolent group of inmates.

Nonetheless, staff did have suggestions as to how PC conditions might be improved. These included more recreational facilities, better admission and discharge procedures, and maintaining PC units separate from other segregation areas. PC inmates also suggested better jobs, educational opportunities, food, and inmate-staff relations.

Preventing PC

United States

What is being done to limit the growth of PC custody? The ACA survey (1983) states that among the 31 penal institutions surveyed, attempts were made to deter inmates from requesting PC by counseling, crisis intervention, screening and investigation of individual cases, and transfers. Once an inmate has been admitted to protective custody, some institutions tried to encourage him to return to the general population.

The staff persons interviewed in the survey were also generally enthusiastic about the idea of having a more comprehensive interstate or state-federal exchange program that allowed greater ability to transfer PC inmates to other facilities. They suggested this would provide a greater availability of programs and activities, a chance to start over, and an opportunity to change security level.

It is commonly felt that some inmates are in PC not because of a real danger, but because they are weak and easily intimidated (Anderson, 1980). Shelton Prison in Washington aims to reintroduce inmates into the general population. Since the summer of 1976, about 20 percent of the PC inmates have gone back into the general population of Shelton Prison. Unfortunately, there are no followup studies of these former PC inmates to examine the success of this practice (Anderson, 1980).

Elsewhere, Stillwater Penitentiary in Minnesota has attempted a similar program through assertiveness training of PC inmates. The assertiveness program includes encouragement to return to the general population. However, only a few inmates have been successfully returned to the general prison population (Anderson, 1980).

The New Hampshire State Prison has taken a different approach. Staff members are not trying to prevent PC cases, but are dealing with the PC inmates by designing programs and making PC more tolerable. For example, the metal factory of the institution has been turned over to the PC inmates. Here, these inmates work and eat at different times from the rest of the prison population (Anderson, 1980). However, the number of PC cases has increased since the program began, suggesting that the solution may be creating yet another problem.

Moreover, non-PC inmates may not have the benefit of the metal factory program unless there is a costly duplication of services.

Another means by which PC populations might be controlled is by designing an inmate security designation system to group offenders accordingly (Levinson, 1980). Such a classification system was developed with variables such as history of escapes, history of violence, etc. Inmates with similar characteristics were put in the same range so that they would feel less threatened by one another. The idea behind this system was that inmates would feel safer if those who were similar in personality, offence(s) committed, and past records were housed together. If they felt less threatened, the inmates would more likely participate in helpful programs. However, the rate of protective custody inmates rose from 1.5 percent to 15.4 percent in 1 year in the participating institutions (Levinson, 1980). Obviously, this new scheme did not reduce the incidence of protective custody cases.

United Kingdom

A different approach has been adopted in England. When a British prisoner, known to be a likely target for violence, is admitted or transferred from another prison, staff members are alerted so he can be monitored at work and other places where he associates with prisoners. Special care is taken when allocating him to shared cells, dormitories, or working parties. Transfer schemes encourage staff to identify inmates who are likely to be attacked because of their offences or past behaviour in prison (Priestly, 1980). It is noted that these strategies are primarily preventive in nature. No followup data are provided.

Canada

Since the PC inmate is unable to "do time" in the general population, the Vantour group (CPS, 1975) recommended that a separate institution in each region should be provided for such cases. It is apparent from the Seunath study (CSC, 1978a) that PC inmates interviewed (sex offenders and nonsex offenders) were in favour of a separate institution for segregating protective custody inmates. However, without fully understanding the PC phenomenon, one must be careful in adopting this approach because such strategy may be initiating another problem, PC within PC. This "super-PC" phenomenon has developed in Canada at both federal and provincial institutions and also in United States facilities (Brodsky, 1984).

Many cases can be resolved by transferring inmates to specific facilities without resorting to protective custody (CPS, 1975). Intra-and interregional transfers can become a convenient method of handling institutional problems. Another approach is to utilize what Vantour (CPS, 1975) refers to as good "receiving" institutions. No reliable data have been collected as to how protection cases have been successfully reintegrated into the general population, either in the original institution or another institution (CSC, 1978a). Regardless, these prisons will probably become labeled as "PC institutions" and any inmate coming from such a facility will suffer the consequences of a PC label. Thus, the use of transfers does not necessarily remove the need for PC units. However, it may reduce the frequency of PC requests or divert the problem for a period of time.

Vantour (1979) has suggested that an attempt should be made to identify the source of the PC request, either through the inmate's identification of the aggressor or through staff investigation of the situation. Wilson (1983) elaborated on this controversial dilemma that fearful inmates should be encouraged to name the source of their trepidation, the rationale being that with sufficient identification from the threatened inmates, the aggressors could be segregated. But as one offender was quoted: "Here I am, a 20-year-old kid. I ask for protection because some wolves are after me, so they lock me up. Why didn't they lock them up?" (Anderson, 1980, p. 11)

It is indeed unfair to dissociate inmates in PC when the source of the problem remains in the general population, but is it feasible or even possible to identify all potential instigators and troublemakers in the inmate population? One must also consider that no one is dangerous to everyone. Consequently, can we dissociate an inmate because he poses a threat to one or a small number of inmates?

Upon finding 85 sex offenders in the general population of one particular institution, some of whom had been reintegrated from PC, Seunath (CSC, 1978a) suggested that the scope of future research should include the identification of those characteristics possessed by inmates who have been successfully reintegrated and the methods used in such a facility. Taylor (1984) conducted such a study based on Correctional Service of Canada records. The research was undertaken with a view to establish a "potential for reintegration" index to be applied to PC inmates. A sample of 31 former PC inmates was compared to a random sample of inmates

who remained in PC on 12 preselected variables. The comparison indicated that significantly more reintegrated prisoners entered PC because of general institutional conflicts and significantly fewer entered because of personality problems. Reintegrated prisoners were significantly older, included fewer rapists, and had more long-term sentences. Although it was initially concluded that significant differences existed between the current PC and reintegrated samples, only the finding on age was replicated in a subsequent phase of the research.

Seunath (CSC, 1978a) also suggested that institutions should have proper orientation/reception programs. However, staff opinion as to the utility of such strategy was equivocal, if not negative. Only 38 percent of 45 interviewed staff suggested that a proper orientation/reception program would curtail the increased use of PC, while 42 percent believed that it would be of little assistance which suggests that staff members themselves must be trained to deal more effectively with the PC inmate.

Conclusion

Has the increase in PC become an ever-growing phenomenon, indicating that the administrative policies are no longer successful in controlling the inmate population, or is it a transitional phase merely reflecting the changing nature of institutions? While there is evidence pointing to a noticeable increase in PC, it is an open question as to whether the problem will be exacerbated in the future. Data from the Correctional Service of Canada (CSC) suggest the PC population may have reached an asymptote in the last year. However, there are confounding variables, indigenous to any prison system, which obscure the facts. The Canadian system added designated PC units to handle the increase and when this occurred, further increases in PC may have been abated by the use of other classifications (e.g., administrative/punitive segregation) and housing facilities. Interregional transfers (CSC, 1983a) may have simply transferred the problem to another area where it will surface later. On the other hand, the screening policy adopted by the federal system (CSC 1982) might have had an ameliorating effect, to what degree is impossible to ascertain. It is unlikely, however, that the problem will be solved with directives and procedures which make it more difficult for an inmate to be assigned a PC status. Factors which have contributed to the increase in inmate victimization must be precisely identified if the PC explosion is to be successfully controlled.

What is urgently required are two kinds of strategies to identify the numerous sources of increasing PC usage. Empirical research should first focus on identifiable characteristics of PC inmates and second, analyze the penal system itself, assuming that institutions play a role in creating the PC situation. The former approach assumes that PC inmates have specific characteristics differentiating them from other inmates incarcerated in the general population. The latter approach measures the impact of penal policies and specific events which might have a negative influence on the PC increase.

The implications of the first strategy are that if PC inmates reliably differ from those not requiring PC, it is possible to establish a system of predictors in identifying inmates at risk of becoming PC's. With such a scheme in place, appropriate prevention programs can be implemented. Moreover, the needs of the PC inmates can be better addressed and appropriate programing established. If, on the other hand, the second strategy is relevant and certain parts of the system are found to be contributing meaningfully to the PC problem, then appropriate policies can be developed. Likely, the problem lies in both areas; that is, one of individual differences and one of system orientation. One must be mindful, however, that changing individuals and the system in response to such a problem will be no mean feat. Hopefully, both strategies will be seriously addressed in the near future. Until that time, corrections management must confront one of its most crucial problems in a context of conjecture and very few facts.

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Changing the Criminal

A Theoretical Proposal for Change

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EFFORTS to change the criminal have been largely unsuccessful. We contend that this results from failure to understand the criminal. This article presents thoughts concerning the nature of criminal thinking and a practical approach to changing the criminal.

Those working with criminals have traditionally followed deterministic medical and/or sociological models which presume that each effect has a cause (or multiple causes). It is believed that looking for causes in these areas is tedious and unproductive, and even provides the criminal with excuses for his criminal activity. Wilk and Martinson's (1976) statement that "with few exceptions the rehabilitation efforts of the last 20 years showed no significant effect on recidivism," is not a surprise.

More promising results have emerged from three related areas:

(1) Glasser's (1965) Reality Therapy

Glasser's (1965) greatest contribution was his effort to demonstrate that irresponsible delinquent and neurotic behaviour is not the result of some psychological "sickness." He believed rather the opposite, that "sickness" is the result of irresponsible behaviour; hence he tried to teach responsible behaviour.

(2) Cognitive Approaches (including cognitive-moral)

Ross and Fabiano (1981) summarized some of the most promising cognitive approaches. For example, Ayers (1981) proposes an educational moral model that combines academic teaching with moral teaching. He reports that the University of Victoria used this model with considerable success. Carkhuff (1971) provides a program in human relations emphasizing interpersonal problem-solving skills.

Some correctional settings have used that approach with some good results (Delong, 1978). Chandler (1973) has demonstrated that role-playing also significantly reduces crime among delinquents.

Yochelson and Samenow (1976) argued that there are 52 errors in thinking practiced by the criminal, which must be corrected before there can be any hope of change.

Investigating the cognitive-moral approach, Thornton and Reid (1981) reported that the type of crime committed is directly related to the person's stage of moral development, as defined by Kohlberg (1969). It is clear that moral reasoning is a necessary, yet not sufficient condition for change. Perhaps an abstract understanding of morality is not enough.

Gilligan (1982), recognizing the difficulty with the Kohlberg model, suggested a concept called "contexual relativism," which is essentially obligation to other people. In other words, she believed that people make moral choices with other people in mind.

Haan (1978), in a similar departure from Kohlberg's model, suggested that in addition to the rational abstract morality, there is another morality which she called interpersonal morality, which essentially involves a consideration of other people's feelings and expectations.

(3) Religious / Spiritual Approaches

Finally there is the religious/spiritual approach which was discussed by Cromer (1981). An example of a proponent of this view is Rabbi Reuven Elba who believes that the teaching of spiritual values "will enable young law-breakers to halt their drift into delinquency." The essential factors of change mentioned in the Cromer (1981) report are the stimulation of feelings of guilt and remorse, and the resolution not to repeat the same errors.

Overview of the Approach

The approach is essentially a cognitive moral approach. We combine Hann (1978) and Gilligan's (1982) ideas of consideration for others, with the abstract understanding of morality. We add to it the concept of "moral feeling" based on a firm belief that man has as much potential for "good" as he has for "bad."

We strongly believe, as did Glasser, that a man is not "bad" because he is "sick"; rather he is "sick" because he is "bad." Our observation further indicates that general mental health is the opposite of self-centeredness. The capacity to focus outside the self is both *healthy* and *moral.* Wallach and Wallach (1983) make a similar point, and suggest that psychology has made considerable error in allowing and encouraging too much focusing inwardly instead of outwardly. Moral behaviour is essentially focusing outwardly.

Based on this theory, the approach we adopted is a group approach. The group of 10 members meet twice a week with two leaders. Complete control must be established by the leaders from the outset, to preclude the possibility of the members exploiting the situation to enhance their criminal thinking.

Our experience showed us that the criminal usually has his own agenda when coming for help. We must make sure that our agenda, not his, is being taught and discussed in the group. Only topics that relate to the planned subject matter are allowed to be discussed.

The teaching follows five distinct stages:
(1) Excuses.
(2) Awareness.
(3) Guilt.
(4) Commitment.
(5) Action.

Stage 1 - Excuses

In order for change to occur one must first recognize the futility of making excuses for criminal behaviour. For example, a criminal may blame his activity on alcohol, drugs, the company he keeps, lack of love or too much love when growing up, poor socioeconomic conditions, unemployment, etc. We attempt to put the responsibility squarely on the criminal's shoulders. A man does crimes because he chooses to do so, he likes it.

Only if the criminal accepts complete responsibility for his action and rejects all excuses and rationalization, is he ready for the next stage of our program.

Stage 2 - Awareness

By awareness we mean two things. Awareness of the hurt inflicted throughout the crime, and knowledge of the criminal mind. First, we keep reminding the criminal that a "good person" will not maliciously inflict hurt on his loved ones. Many criminals profess to love their mother, well "why should you keep hurting your mother?"

It is easy to show the connection between crime and the hurt inflicted on mother, father, wife, children, brother, sister, and friends. If the criminal is in jail he may deprive his family of his income if he has any. Even if not in jail, he is not much good for his family, as he is constantly a source of worry. As one criminal said: "I may tell my wife that I am going to buy cigarettes and will not show up until the next morning."

Secondly, the awareness of the criminal thinking consists of 30 characteristics developed by Yochelson and Samenow (1976), Cleckly (1964), and our own observation.

Some of the most important are:
(1) Self-centeredness.
(2) Resentment of authority.
(3) Need for power.
(4) Lying.
(5) Lack of positive affect.
(6) Low frustration tolerance.
(7) Poor ability for love.
(8) Lack of remorse of guilt.
(9) Lack of responsibility and general antisocial attitude and behaviour.
(10) Violence and anger.

I believe self-centeredness is the most important aspect of the criminal psychological makeup and will therefore spend some time on that subject. The criminal is a very self-centered individual. He treats people like objects to be manipulated for his ends. He views love, friendship and life in terms of what he can get out of them, rather than what he can give to them. He is number one, and he is going to look after number one. One may be fooled at times by the way a criminal expresses loyalty and affection to friends and family members, in fact he sees them as extensions of himself rather than independent people in their own right. Because he is so important and special the ordinary laws of society do not apply to the criminal. *He is his own law.* What a great life indeed!

Stage 3 - Guilt

Once awareness occurs, guilt would sometimes, with some criminals, be triggered. The more guilt and self-disgust the criminal feels the more we believe he is ready for change. We call guilt a moral feeling. We believe that all men have the capacity for moral feeling. It is a question of timing and knowhow to reach these feelings. By "timing" we mean that a man has to be ready to listen. Often this occurs when some event beyond his control has caught the man's attention. For example, perhaps he is depressed for being in jail or is losing his wife.

Once the timing is right then awareness and guilt may appear after constant repetition of the fact that hurt has been inflicted on his loved ones, as mentioned in Stage 2.

Stage 4 - Commitment

Once guilt and self-disgust are aroused one would like to be relieved of those feelings. A good way to do so is make a serious commitment to quit hurting people. We point this out explicitly and urge men who have reached the stage of feeling guilty to make not only a commitment to stop all negative behaviour, but also one to start positive behaviour.

Stage 5 - Action

Commitment leads to activities that are incompatible with crime. These include, consideration for others, helping others, and involvement in various activities in the family and community that are designed to help rather than hurt. Action also involves doing the opposite of the kind of activity that the criminal is usually engaged in. Since self-centeredness is the nucleus of all other major difficulties, he must practice activities that reduce self-centeredness. For example, he must learn to listen, to have empathy, to develop the ability for consideration for others. He must deliberately engage in activities that promote and enhance the welfare and happiness of others. Other more specific errors must be similarly practiced. For example, if resentment of authority has been the general orientation of the criminal, he could practice respect for authority and obedience to rules.

Conclusion

We have described a cognitive moral approach for treatment. It is a bold approach that is based on understanding the criminal and respecting his ability to change. We refute current theories and instead believe that "evil" is based on ignorance and lack of awareness. Once a man realizes fully the intrinsic value of doing good, criminal activity may become a distasteful practice. We also realize that training while he is inside an institution is not enough. A followup program for the criminal on the street must provide support in daily living. As one of our men said, "I don't even know how to rent an apartment." Unfortunately, our program has not yet developed to this extent.

Evaluation of our program is underway. Only a repeated measure design that evaluates change in total life style every 6 months for 3 years would make sense. Reduction in recidivism does not necessarily mean that the man is no longer a criminal. Since we view criminality as encompassing much more than just arrestable behaviour.

We believe that those changes which lead to love and consideration for others can eventually occur, and we hope that others will join us in our continuing efforts to develop ways to guide the criminal along this path. Generally we find that only about 10 percent of the criminal population are willing to be involved in our program. Out of that 10 percent perhaps only 40 percent respond to treatment. This is indeed a very small number. Yet considering the saving to society it is still a worthy project. After all, what is the alternative?

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