

Community Service: Toward Program Definition *Joe Hudson*
Burt Galaway

Identifying the Actual and Preferred Goals of
Adult Probation *Thomas Ellsworth*

Sharing the Credit, Sharing the Blame: Managing
Political Risks in Electronically Monitored
House Arrest *James L. Walker*

Guns and Probation Officers: The Unspoken
Reality *Paul W. Brown*

AIDS in Prisons—Administrator Policies, Inmate
Protests, and Reactions From the Federal
Bench *Daniel L. Skoler*
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Mandatory Programs for Prisons—Let's Expand
the Concept *Sylvia G. McCollum*

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of a Case Study *Katherine A. Carlson*

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the Promise of Individualized Juvenile
Justice *Joseph W. Rogers*

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This Issue in Brief

Community Service: Toward Program Definition.—Over the past two decades, community service work order programs have been established at various points in the adult and juvenile justice systems. On the basis of detailed study of 14 community service programs, authors Joe Hudson and Burt Galalway describe a detailed community service program model. Key elements of program structure are described, including inputs, activities, outputs, and outcomes, along with their linking logic. According to the authors, preparation of this type of program model is a necessary prerequisite for sound management practices, as well as for developing and implementing program evaluation research.

Identifying the Actual and Preferred Goals of Adult Probation.—The field of adult probation has undergone considerable change over the last 10 years, reflecting a perceived public sentiment which emphasizes enforcement and community protection. As a result, the goals of probation have shifted. Based on a survey of adult probation professionals in two midwestern states, author Thomas Ellsworth confirms the existence of a dual goal structure in probation, encompassing both rehabilitation and enforcement. Further, the study results reveal that probation professionals prefer a dual goal structure in administering probation services.

Sharing the Credit, Sharing the Blame: Managing Political Risks in Electronically Monitored House Arrest.—For the last several years, electronically monitored house arrest has been the topic of extensive commentary in the literature. Scant attention, however, has been paid to the political environment in which such programs must exist. Using a brief case study of one county in Ohio, author James L. Walker suggests a four-part implementation strategy aimed at reducing the risks to the political actors involved in these programs. He concludes that

only if political considerations are properly managed will efficient and legitimate use of electronic monitoring programs be likely.

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Mandatory Programs in Prisons— Let's Expand the Concept

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Introduction

THE IDEA that prisoners must work has been widely accepted for a long time in the United States and probably throughout the world. Why? Because work is not really regarded as a joyful experience. In fact, having to work, particularly at the kind of work traditionally available in prisons, could come under the heading of punishment. Good behavior has also been required of prisoners, although it is probably safe to observe that it has seldom, if ever, been regarded as a "mandatory program." It was just required, and specific unpleasant sanctions were the penalty for non-compliance. And, interestingly enough, eating has generally been viewed as mandatory—or at least eating enough to survive. The early suffragettes were not the only prisoners in history to suffer forced feedings in order to satisfy the requirements of correctional administrators.

At the same time that the mandatory concept was limited to these few requirements—few in number but nonetheless important—prisoners were offered inducements for selected behaviors and accomplishments. "Good time," or time off sentence served, was available in some jurisdictions for particular kinds of work and for the maintenance of good conduct over specified periods of time. Furloughs home were also possible, as were the upgrading of living conditions and even paid vacations from prison industry or other work assignments, as rewards for meeting various behavior standards.

Mandatory Literacy in the United States

Chief Justice Burger's Speech

The application of the mandatory concept continued to be very limited for what now seems an inordinately long time. The assumption that correctional administrators had exhausted the acceptable limits of required performance from prisoners went unquestioned for a long time, at least in the United States. And then a window of opportunity opened in the Federal Prison System. Warren E. Burger, then Chief Justice of the United States, who frequently admonished all involved in

the criminal justice system to do better, spoke to the graduating class of the George Washington University School of Law, located strategically for purposes of the speech in Washington DC, the nation's capitol. He stressed that society lacks direction about what to do with criminals. He eloquently referred to "an intractable problem that has plagued the human race for thousands of years." He repeated his disappointment that not much new was taking place and restated his earlier and long-held position that we have a moral obligation, stronger than any legal one, to try to find a better way to manage prison programs. While he realized that his personal vision of rehabilitation of prisoners had to be revised, somewhat, he still felt that much more could be done. He proposed two specific actions which he thought were feasible, given the tight budget constraints and the mood of the general public and its elected representatives:

1. the careful screening, training, and better pay for correctional workers, and
2. the encouragement or requirement for all prisoners to become literate and acquire a marketable skill

The Federal Prison System Reacts

At least one person heard that speech and took it seriously. The speech was made on May 24, 1981, and on May 29, just 5 days later, Norman A. Carlson, then director of the Federal Bureau of Prisons, appointed a task force on education and training to advise him of the policy implications of Chief Justice Burger's speech.

The writer was one of the five members of the task force, chaired by Joseph Bogan who, at that time, was the warden of the Federal prison in Butner, North Carolina. The group's report was issued on November 12, 1981, and is known throughout the Federal correctional community as "The Bogan Report."

The report made at least three recommendations with respect to staff training and eight regarding inmate education and training. One of the education recommendations read simply:

Develop a comprehensive ABE policy which will require enrollment in, while simultaneously encouraging meaningful participation.

The Bureau of Prisons' mandatory literacy program, established in May 1982, flowed from these 15 words. There was a good deal of anxiety over the impact of a mandatory education program. Would forcing inmates to do something they really did not want to do create more problems than it would solve? What would the staff think? Would there be passive, and perhaps active, resistance by both staff and inmates? These and other questions surrounded the task force's initial discussions. Partially to allay some of these concerns, the task force distributed a questionnaire to assess staff reactions and opinions on issues under review. The questionnaire asked "should we have mandatory education programs?" Eighty-four percent of the staff surveyed answered "yes," insofar as literacy programs were concerned. The support dropped to 74 percent for mandatory high school equivalency (GED), to 73 percent for mandatory counseling, and to 60 percent for mandatory prison industry employment. A second question asked what action should be taken against an inmate who refused a mandatory program. A large minority of staff—around 45 percent—were against any sanctions, but a majority favored disciplinary action, and that position was formalized into the final policy which emerged.

The first mandatory literacy standard was a sixth grade achievement level as measured by the Stanford Achievement Test. Any Federal prisoner, with minor exemptions, who tested below that standard was required to enroll in a literacy program for 90 days. Inmates could opt out after 90 days, but—and this was the winning provision—they could not be promoted above the entry level labor grade either in prison industries or in institutional work assignments if they didn't meet the sixth grade standard.

The tie between pay level and education was clear and was easily recognized as a reflection of the real world. We were all pleasantly surprised at the ease with which the mandatory adult basic education (ABE) program was implemented, and within a few years the minimum standard was raised to the 8th grade in recognition of community literacy standards. And sure enough, before too long, some states began to experiment with and adopt mandatory literacy standards for state prisoners.

Mandatory High School Equivalency - GED

The success of the mandatory literacy program led directly to enlarging the mandatory concept to include the completion of high school, or its

equivalent, in order to qualify for the top inmate jobs in Federal correctional institutions. In September 1987, the executive staff of the Federal Prison System authorized a 1-year pilot effort in 10 institutions in the Bureau's southeast region to test the establishment of the GED standard for top labor grade jobs. The pilot began on January 1, 1988, and ended successfully on December 31 of that year. The new requirement became effective nationwide on March 1, 1989.

What Were the Successful Ingredients?

The mandatory literacy program in the Federal prison system in the United States included the following significant elements:

1. All inmates, with minor exceptions, who tested below the required grade level on a standardized test had to enroll in a literacy program for a minimum of 90 days. (The 90 days is really the only mandatory feature of the program.)
2. Inmates could opt out of the program after the required time period without incurring any sanctions, except that they could not be promoted above the entry level pay grade for any industrial or institution job.

The relative success of the mandatory programs has led many Federal correctional administrators to begin to examine the outer limits of mandatory programming—or at least the next steps. Current discussions suggest that if a required program is coupled with substantial incentives and/or specific, significant entitlements, it will work. The model of having to meet some requirement in order to get something you want, is so deeply embedded in our culture that it has an almost immediate and uncontested acceptance, provided, of course, that the quid pro quo is perceived to be desirable, reasonable, and fair.

If this perception is correct, the possibilities for mandatory programming are extensive. What is it that inmates want that is in the power of correctional administrators to give, and what can we reasonably ask from inmates in exchange? Should we require quality occupational training before we assign any inmate to a paid institution or prison industry job? Should certain privileges, such as preferred housing or priority access to high demand recreation opportunities, be contingent on enrollment and completion of parenting programs, Alcoholics Anonymous, or other programs designed to strengthen inmate coping skills? Should release through a half-way house be available only to those who complete a rigorous pre-release program? You can see how challenging the options are and how creative we can be in our

attempt to plumb the potential of tying what the inmates want to what society wants, at least as interpreted by the correctional administrators, checked as always, in the United States at least, by judicial review and congressional or state legislation. When you begin to think of the possibilities involved in this concept they are very exciting and may offer the criminal justice system some new options.

The Case for Mandatory Programs

Many thoughtful correctional administrators and others in related fields of work do not subscribe to the extension of mandatory requirements to inmates beyond work and acceptable behavior, and maybe not even that. They argue that coercion doesn't buy permanent change; that inmates can run games to obtain what we have to offer without any real commitment to the required performance; that mandatory programs are invasive and violate individual freedom; that correctional administrators do not have the right to do more than confine prisoners in a humane fashion during their adjudicated sentences.

This approach neglects the realities that an inmate will have to deal with after release. There is very little in organized society which doesn't have a prerequisite. If you want to drive a car, you must apply for a license and pass a test. If you want to rent an apartment, you generally have to sign a lease and make an advance deposit. If you want to work in certain occupations,

you have to demonstrate some education achievement or competence level, and even then you may have to pass some additional examinations. You can't even get married in some jurisdictions unless you meet some specific requirements—pass a health test and get a license. The theme—if you want something from us you have to meet prescribed standards—runs through much of organized society's activities. And this is essentially what is envisioned in mandatory prison programs which make certain activities or privileges contingent on meeting specified standards. Aren't we creating a make-believe world in prison when we say to inmates, you don't have to do anything special to qualify for opportunity systems—meagre though they may be—while you are in prison? But watch out when you are released, everything out there has a catch to it. What we really are talking about is the establishment of program standards and prerequisites for various entitlements—just like in real life.

We think the 1990's will see a growth of the program standard concept in prisons, both in the United States and elsewhere, because, very simply, it makes sense.

RECOMMENDED READING

U.S. Bureau of Prisons, Task Force on Education, Training and Selection. November 12, 1981. Final Report.

McCollum, Sylvia G. 1990. Mandatory Literacy For Prisons. The Yearbook of Correctional Education.