

Federal Probation

Are Probation and Parole Officers Liable for Injuries
Caused by Probationers and Parolees? *Richard D. Sluder*
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The Influence of Probation Recommendations on
Sentencing Decisions and Their Predictive Accuracy *Curtis Campbell*
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This Issue in Brief

ACQUISITIONS

Are Probation and Parole Officers Liable for Injuries Caused by Probationers and Parolees?—The number of offenders on probation and parole has risen; inevitably some offenders will commit other crimes during their terms of supervision. A growing concern for probation and parole officers is whether they can be held civilly liable for injuries caused by probationers and parolees under their supervision. While case law in this area is still developing, there are enough cases to indicate when an officer might be held liable. Authors Richard D. Sluder and Rolando V. del Carmen provide a categorization of decided cases and sketch a broad outline of when officer liability might ensue.

The Influence of Probation Recommendations on Sentencing Decisions and Their Predictive Accuracy.—Using data on all serious cases concluded in 1 year in an Iowa judicial district, authors Curtis Campbell, Candace McCoy, and Chimezie A.B. Osigweh, Yg. explore the disjuncture between sentencing recommendations made by the probation department and sentences actually imposed by judges. While probation personnel and the judiciary usually agreed on appropriate dispositions for first-time offenders, they strongly disagreed on recidivists' sentences. Probation officers recommended incarceration for recidivists almost twice as often as judges imposed it.

Home Confinement and the Use of Electronic Monitoring With Federal Parolees.—Authors James L. Beck, Jody Klein-Saffran, and Harold B. Wooten evaluate a recent Federal initiative examining the feasibility of electronically monitoring Federal parolees. Although technical problems were experienced with the equipment, the authors conclude that the project was an effective way of enforcing a curfew and supervising the offender in the community. The success of the project has served as a foundation for expansion of home confinement with electronic monitor-

ing in 12 Federal districts.

Twelve Steps to Sobriety: Probation Officers "Working the Program."—Working with chemically dependent offenders is indisputably a challenge of the new decade. Addiction treatment is complex and, by its very nature, engenders phi-

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ECHO: Program of Personal Development for Inmates

BY MICHEL POIRIER, SERGE BROCHU, AND CHARLES FORGET*

The Therapeutic Community

AT THE end of the 1970's, the therapeutic community, a model for the treatment of drug addicts in use for a number of years, made its appearance in the prison milieu. Le Portage, a readaptation center, was instrumental in establishing a therapeutic program—network—on behalf of the correctional services of the State of New York, in some of its establishments. The object of this program is to create living units where the inmates, by learning new ways of behaving, could grow at both the personal and social level and adopt values and a lifestyle that facilitate their eventual return to society. These living units are operated and managed by the prison personnel, who are initiated into the therapeutic concept by means of an intensive training program of 100 hours over a period of 10 days, during which they experience this method of treatment. The originality of this therapeutic model lies in the fact that the prisoners are responsible for maintaining a climate favorable to rehabilitation, and the personnel oversee the proper functioning of the unit. Moreover, with this model the institution is not obliged to isolate the participants from the rest of the prison population. In addition to helping the prisoners, working in these units enriches the task of the personnel to the point where a reduction in the rate of absenteeism is noticeable.

This treatment model, often referred to as the Network model, is actually an application of the therapeutic community in prisons. The principles are the same and are an integral part of its philosophy. Participation in the program is voluntary, and the participants must show a desire to change before being admitted. The methods used are very pragmatic and consist of taking oneself in hand and helping one another. The key words are "fundamental change" and "personal development."

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For the participants, identifying with others is an essential element of the treatment. Individual interaction is very important, and within each group everyone must be able to identify with another, whether of the same age or the same social or family background or someone who has experienced similar problems. The therapeutic milieu should also be in harmony with the culture and values conveyed by the group.

It is in an atmosphere conducive to learning that the program encourages the prisoners to participate, to develop self-determination and a sense of responsibility. Living in a total learning environment engenders reflection on the individual human system and the larger social system, in that the individual must be responsible to physical, emotional, social, cognitive, and spiritual growth needs. Thus, positive behavior is supported by the community whereas negative behavior is the target of confrontation and must be changed.

The learning process covers three areas: (1) needs and values, (2) the effect of our behavior and attitudes toward others, and (3) the experience acquired in diverse situations.

In the first area, the prisoner must be aware of what his personal objectives are and use the therapy to change his behavior, to satisfy his personal needs, and to acquire new values. In this sense, the program helps the prisoner clarify his objectives and broaden them through better knowledge of himself, his ability to make decisions, and more effective communication.

The second area of application helps the prisoner to accept his responsibilities toward others. Many prisoners have developed an unhealthy dependence on others. It is important, therefore, to understand that responsibility toward others does not mean responsibility for others. Thus, the system must support the growth of relationships that are productive and healthy. The participants also learn to give and take comments on any behavior that inhibits their progress.

Finally, the third area of application is for the prisoners to learn to plan and organize their objectives according to their interests and aptitudes. They evaluate the effects of their attitudes and behavior in a variety of situations and learn new behavior patterns that will help them to re-

act better to situations with which they have always had problems. In short, the learning of positive behavior is accomplished through a variety of environments: during work, study, leisure time, relations with family, and friends.

In other words, the participants in the program learn and practice a series of social skills that can be useful for their social reinsertion. It is a community program that promotes personal growth and positive changes for its members. It is by making decisions and developing work skills that active members adopt a new philosophy. To sum up, the participants learn to manage their lives better through activities aimed at a clarification of values, the resolution of problems, the support and feedback of peers, as well as active participation in the community (Sweeney, 1986).

The basic rules of the therapeutic community are that violence and the use of drugs are not admissible. Violation of these rules can bring about immediate expulsion from the program. These rules are essential because they guarantee the unity of the program which functions by maintaining the quality of the interactions between members of the group. These basic rules alone, of course, are not sufficient to obtain the results desired by the program. The rules that govern life in society in general are obligatory. By that we mean mutual respect, confidentiality of the members regarding their past experiences, punctuality in attending activities, respectable language, decent attire, and a clean environment. Each member must fundamentally respect the other members of the group, participate in the community activities, and be responsible for himself and the functioning of the program. The required behavior is clearly established during the interview prior to admission.

Participants for the program are recruited only among persons who are motivated and who have a chance to complete the program. MacDonald (1987) reports two types of inadmissibility. Unconditional inadmissibility is that which excludes persons who do not meet the basic criteria for admission or who have problems requiring psychiatric intervention. Conditional inadmissibility applies to individuals who can review their request for admission, but must first change their attitudes and behavior.

The program has a number of rules of conduct designed to handle various situations. These different rules are intended to guarantee harmony in each of the living units. This harmony is obtained by the active participation of each of the members in accordance with the established rules.

Their participation is the key to this type of approach. It engenders socialization which, in turn, should facilitate communication and reintegration in society. The program sees that new members wholly abide by the criteria concerning participation in the program and taking individual responsibility. Once the new members have attained responsible disciplinary autonomy, they are promoted to the status of intermediate member. The member having this status becomes an example for new entrants to the program. He has greater autonomy and more responsibilities. When he has completed a number of tasks and shown he can be trusted, he can be considered ready to become a supervisor. After that, those who have succeeded in the role of supervisor are eligible to become old-members. These must know the procedure of the program and be capable of teaching it to the other members. They are the big brothers of the community.

To sum up, the program makes sure of having subjects who are motivated and willing to change their lifestyle. It notes the willingness and capability of the participants by evaluating the client's receptivity. It also follows steps that are favorable to assistance in a context of authority. From the very beginning, contact is established on a humane basis, the roles of each one are clearly defined, and the staff stimulates and encourages the motivation of the person involved (Glasser, 1971). Furthermore, this approach guarantees certain basic rules in the exercise of authority, already set down by Hardman (1959). Finally, the style of intervention with regard to the context of authority within the framework of the program can be anything according to a continuum from expert to aid (see Brochu and Auclair, 1988).

The Echo Program

Adopting the approach already in use in the correctional services of the State of New York as part of the Network program, and based on its many years of experience with therapeutic communities, the center, Le Portage, in collaboration with the Leclerc Institution, a medium security penitentiary situated in the City of Laval, Quebec, started a program for prisoners based on the therapeutic community model, which they called the ECHO program. The role of the Le Portage center was to form a team of living unit officers (LUO) and to send one of its members out for a period of 3 months to see to the implementation of the program and to follow its course throughout its first year in operation.

Training took place at the treatment center of

Le Portage at Lac Echo and lasted 2 weeks, 12 hours a day, from Monday to Friday. A group made up of seven LUOs, a correctional officer, and a unit manager experienced life in a therapeutic community during the 2 weeks. The course combined two methods of teaching by lecture and practice. Every element of the therapeutic community was explained and put into practice by the participants. At the end of the 2 weeks' training, all the participants, accompanied by a member of the Portage personnel, gathered together at the penitentiary to establish the program of intervention.

Its very name, ECHO program, tells its orientation: It implies reciprocal interactions between participants. The following pages describe the fundamentals of the program, its philosophy, the criteria and modes of admission, the techniques of intervention used to help the prisoners reintegrate in society, and the rules of the unit.

The community. The Leclerc Institution is a medium security penitentiary having a capacity of 500 cells, subdivided into five units. Unit #5 has two rows of 30 cells stacked on one another, 1KL (segregation/detention) and 2KL. It was in the latter that the ECHO program took place.

All the participants have access to the program as well as the daily activities of the general population, the school, the industries, workshops, visits, the recreation area, gymnasium, etc. The activities of the ECHO program take place between 4 p.m. and 11 p.m. every day. The various community meetings are held in the common room adjacent to the wing that also serves as dining room and where residents spend their leisure time. The participants in the program are heterogeneous in terms of age, crime, sentence, and personal problems.

The work team is made up of seven living unit officers, a supervisor of correctional operations, and a unit manager. A case administrator has recently been added to the team.

Bases of the program. ECHO provides a positive environment that allows personal development within a group where the members help one another. The personnel and the residents work together to establish and maintain an environment in the prison milieu that is based on positive reinforcement. The members of the group concentrate on changing their behavior and confronting possible negative attitudes that could be harmful both to the individual and the unit.

ECHO provides a place to set objectives and adopt positive behavior. ECHO is a chance to change, to face one's responsibilities and accept

them. Finally, ECHO is a disciplined way of life that includes the examination of feelings, attitudes, and values and makes it possible to come to terms with daily constraints. In short, it is a program designed for personal development rather than social reintegration.

The philosophy. A person must see himself through the eyes of others in order to grow. Fearing to reveal himself, he cannot know himself or others. He remains alone. As long as he cannot bear to share his secrets, he has no protection against them.

The clientele. The program is addressed to all the prisoners of the Leclerc Institution who show a true desire to change their attitudes and behavior. There are no restrictions in terms of age, crime, sentence, language, religion, or race.

The minimal duration of the program is 6 months. No provision can be made during this period for temporary absences, transfers, day parole, parole, or probation. An inmate who wants to participate in the program and who is eligible for parole in less than 6 months must withdraw. Requests for temporary absence without escort or for reasons of illness or death in the family can be discussed and granted if deserved. Residents under psychiatric medication or having problems of this nature would not be considered.

Admission procedures. A prisoner interested in participating in the program sends a request to the manager of unit #5 briefly explaining his reasons. This request is then submitted to his case management officer who enters his comments.

Once the request is received, a first interview is set up by the LUO team of the shift to inform the prisoner about the program. Next, the LUOs gather the pertinent information from the case management team of the prisoner who made the request. A second interview takes place to evaluate the prisoner's true motives for wanting to participate in the program, at the end of which he must promise in writing to obey the unit's rules of conduct.

The treatment. The community uses a great many strategies to stimulate as many interactions as possible between individuals. Remember that the meetings and groups encourage the participant to open up. Some activities are mandatory, others optional.

ECHO of the day, is the daily mandatory meeting that makes it possible to take the pulse of the community and to get the daily program going. This meeting, in which all the prisoners of the unit must participate, serves to observe the

general attitude and to try to change attitudes and conduct that are unacceptable. It shows personnel who in the group is getting along well and who is having problems. This activity starts off the therapeutic activities of the day and lasts 45 minutes. For example, the therapeutic activities of the ECHO program start at 4 p.m. and the meeting at 4:40, the first 40 minutes serving to prepare the meeting. At first, it was the officers of the residential unit (LUO) who animated this meeting, but now it is the prisoners who do so. The LUOs supervise the preparation of the meeting and see that all goes well during the session; there is a "feedback" period with the animators after each meeting.

ECHO of the day is divided into seven parts:

1. One of the community members reads the philosophy in French and another in English.
2. Those who had shown negative attitudes the day before are asked to come forward and admit them and are then given a lesson by other members of the community.
3. Those who had remarked more general negative attitudes during the previous day are asked to reveal them. The procedure is as follows: "Who are the people that . . ." followed by the attitude revealed. Those who had this attitude stand up and are taught by the person who has brought the *report of attitudes* and by other participants before they sit down.
4. The animator then asks those who had *positive attitudes* worthy of mention to stand up and share them with the group. Before they sit down again, they are given a round of applause.
5. Next, a theme is chosen that indicates an area where efforts should be concentrated during the day to improve the behavior of the group.
6. The animator invites those who have *announcements* to make them.
7. The animator asks if there is anyone who has a story, a citation, or a sketch that would serve to *motivate* the group.

The animator then closes the meeting asking each person to get up and put away his chair.

The evening meeting is the second daily mandatory session in which everyone must participate. It takes place at the end of the evening

and lasts about 45 minutes. It is an informal sharing of the day's experiences and feelings. Anyone who wants to may get up and speak. The atmosphere is intended to be relaxed and not confrontational. At first the personnel animated this meeting, but now the inmates, in their turn, do so on a voluntary basis. The purpose of the meeting is to allow those who have suffered from tension during the day to find relief by sharing their experiences with the others. One can also share a happy event.

Verification or confrontation groups take place four times a week, and it is obligatory for the inmate to participate in at least two of them. These groups are for the purpose of bringing out any friction or conflict between two individuals so that they do not destroy their relationship and their involvement in the therapy. It is a way of verifying and settling major problems within the community.

Seminars are presentations made by the residents. Each in turn, during a period of 30 minutes, an inmate speaks to the group on a subject of his choice and answers any questions put to him. This activity takes place for 1 hour twice a week, and every prisoner must be present at least 1 hour a week. Each one must present a subject at least once every 3 months. The aim of this activity is to teach the participants in the program to speak before a group and improve their self-image.

Commitment and verification of commitment groups are held weekly and are mandatory. Only half the prisoners of the unit participate each week in the verification of commitment group. Everyone is invited to make a commitment to work on developing a particular quality, to change certain behavior or eliminate a negative attitude. This type of commitment encourages verbalization of the participant's progress and fosters the support of the group.

Every resident also has a period of free activities which he must structure and plan in a positive way. He must present the personnel with a weekly plan of his time. These activities can be recreational, athletic, cultural, religious, or therapeutic. Other therapeutic means are gradually integrated in the ECHO program. Additions depend on the evolution of the community.

Status. On his arrival in the therapeutic community, the inmate is considered a general worker, which means that he has no special responsibilities in the unit. It is his duty to obey the rules of conduct that apply to behavior within the unit; this includes keeping his cell clean,

dressing decently, and making sure the areas he uses in the unit are left in good order. If necessary, other domestic tasks could be assigned to him. After several months, additional responsibilities are suggested to him, such as acting as a guide and resource person for the general worker. These added responsibilities give him the status of expeditor (the name has no particular meaning except that it is used by many therapeutic communities).

A chief is appointed from among those showing the greatest sense of responsibility. He sees to the smooth running of the program and represents the model to be followed. He is the link between the expeditors and the personnel.

Work teams. In a therapeutic community, besides status, there are work teams. In the ECHO program the teams are already built but no special tasks have been assigned to them. In the near future, they could be called upon to participate in work such as:

- maintenance and cleaning of the unit
- serving the food at mealtime
- keeping up the supply of material and stationery (the forms used in a therapeutic community, not those of the penitentiary institution)
- seeing that the schedule of activities is followed and distributing the planning forms
- keeping a record of the activities that take place.

Each type of activity becomes a department, and the head of the team becomes the head of the department.

The object of the work teams is to help the inmate work as a team member, make him responsible, and make him feel useful. Other demands are placed on the inmate to develop his sense of responsibility, for example:

- on a chart next to his name, he must indicate where he is going when he leaves the unit
- he must plan optional groups for the week ahead in which he intends to participate and mark them on his personal schedule
- he is expected to be punctual in attending the activities or be liable to a reprimand.

Evaluation of the Treatment Model

Robert Fisher (1984) studied the rate of reincarceration of participants in the Network Pro-

gram of the State of New York, which was terminated in 1982. He compared his results with the rate of reincarceration for all the prison population of the state between 1972 and 1980. He was looking for the answer to two questions:

1. What was the rate of reincarceration for the Network population compared with that of the prisoners released from institutions of the correctional services of the State between 1972 and 1980?
2. How did the prisoners who had successfully terminated the Network program behave in comparison with all the other participants of the Network program released in 1980 and compared with all those liberated from a prison institution of the correctional services of the State of New York between 1972 and 1980?

There was a total of 281 liberations from the Network program in 1980. Of this number, 133 were considered to have successfully terminated the program, whereas 148 had abandoned it or had been released before the end of the program. After 18 months on the outside, 13 of the successful cases and 28 of the others were reincarcerated—a percentage of 9.8 and 18.9 respectively. With a combined average rate of reincarceration at 14.6 percent, the Network experience compares favorably with the rate of reincarceration of 18.6 percent for all those liberated in the State between 1972 and 1980. After 24 months on the outside, the rate of reincarceration of those who had successfully completed the Network program was 13.3 percent, and those who had abandoned Network before the end had a rate of 33.3 percent, for a combined rate of 22.6 percent. The percentage of reincarceration for all the prisoners of the State between 1972 and 1980 after 24 months on the outside was 23.4 percent.

It is the rate of reincarceration after 18 and 24 months on the outside among those who had completed the program that is the most encouraging. The study, even though it involved a very small number of prisoners, suggests that a good adjustment to the program is conducive to a successful reintegration in society. This aspect of the effectiveness of the program will be studied for a period of 5 years with regard to the prisoners who have gone through the ECHO program at the Leclerc Institute.

The Network program seems to succeed well enough with its participants in spite of the lack of any resource specializing in social reintegration. Within the framework of our experiment

with the Leclerc Institute, we would like to ask the prisoners to join the Portage program of social reintegration or any other similar program designed for prisoners. We could then compare the cases that have succeeded in the ECHO program not only with those who abandoned it or never joined the program, but also with those who have never spent time in Portage or some other half-way house.

Conclusions

The Network program is now 10 years old. The ECHO program has been in place for less than a year, and we have taken steps to start a program at the Donnacona Penitentiary. Everyone who has had the chance to visit the unit is pleased with the method. Both the prisoners and employees of the correctional services have seen the benefits of this form of therapy.

We may say the model is eclectic. By recreating an atmosphere of brotherhood and mutual understanding, the milieu serves to bring out the participants—make them more outgoing. The network ensures that the lifestyle of the participants improves and that they change their view of society

and themselves. The network approach is like a chain. Each link of the chain is very important if the chain is to be strong. One weak link is enough for the chain to be broken. It is the same for individuals. That is why particular attention is given to every facet of an individual's personality.

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