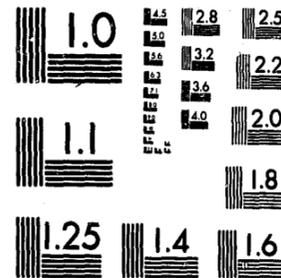


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# Federal Probation

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## This Issue in Brief

### ACQUISITIONS

**Mandatory Sentencing: The Politics of the New Criminal Justice.**—New mandatory sentencing policies are winning political support in the 50 states and Congress; however, despite stated goals to equalize sentencing and deter crime, the new laws probably can be expected to aggravate prisoners' grievances and serve as simply another bargaining tool in the criminal justice system, asserts Professor Henry R. Glick of Florida State University. Little empirical research exists on the impact of the new sentencing laws, but available evidence strongly suggests that they will have few beneficial results, he adds. The only major change may be an explicit abandonment of the reform ideal and existing, albeit limited, rehabilitation programs.

**The Failure of Correctional Management—Revisited.**—In "revisiting" the case of correctional management failure (his first article appeared in 1973), Dr. Alvin W. Cohn appears to be painting a drab, bleak picture. Yet, he maintains, from the time the original paper was written until now, he does believe that there has been some meaningful change. While no one could or should argue that corrections has successfully reformed itself or is being reformed appropriately, there have been some significant changes that suggest a brighter future, especially with regard to the status of management, he concludes.

**Rethinking the President's Power of Executive Pardon.**—Although only superficially understood by most citizens, the President's power of executive clemency has undergone a protracted evolution in terms of legal scope and constitutional interpretation, according to Professor Christopher C. Joyner of Muhlenberg College. Pronounced an "act of grace" by the Supreme Court in 1833, the pardon power in 1927 was deemed an act intended

primarily to enhance public welfare. As such, the President's pardoning authority has become broad and multifaceted, immune from review by court action or congressional restriction. A pardon neither obliterates the record of conviction nor establishes the innocence of a person; it merely forgives the offense.

**Team Approach to Presentence.**—An interdisciplinary team approach is the trademark of the Seattle Presentence Investigation Unit, reports Chuck Wright, Adult Probation and Parole supervisor for the State of Washington. This collective approach is used when most feasible, and has led to effective improvements in investigation, information gathering, report writing and recommen-

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## Inmate-Family Ties: Desirable but Difficult

BY EVA LEE HOMER\*

SEVERAL previous articles in this journal have discussed the problems of the families of prisoners. One dealt with certain problems which occur due to the "loss" of the husband-father; another dealt with measures to alleviate some of the problems.

Why should criminal justice personnel concern themselves with the families of prisoners? While we can muster verbal sympathy for them as the "second victims of crime," the number and complexity of problems inherent and germane to our criminal justice system already appear overwhelming and insoluble. Why not let the social

workers concern themselves with the prisoner's family? Instead of viewing the prisoner's family as one more problem, perhaps we can further the common, frustrating goal of rehabilitation by understanding the role the prisoner's family can fill as one of the most potent and practical tools we have available in the prisoner/criminal rehabilitation effort.

In their study "Explorations in Inmate-Family Relationships," Norman Holt and Donald Miller show a significant difference in the recidivism rate of prisoners who have had regular, continuing visits from family members as compared to those who did not have visitors or had only sporadic visits. The recidivism rate among those

\* The author is an aide to Mayor Anthony M. De Fino in West New York, New Jersey.

prisoners with regular family visitors was lower than any other group. Of the men studied, 70 percent of those with 3 or more continuing visitors experienced no parole difficulty, i.e., they were not rearrested. Those with no visitors were six times more likely to re-enter prison during the first year of parole as those with three or more visitors.

In general, the men with a greater number of visitors tended to have more successful parole than those with fewer visitors. Only 2 percent of those with 3 or more regular visitors had to be sent back to prison while on parole.

Further, it appears that strong social ties between an inmate, his family and friends are remarkably resistant to the expected eroding influences of time spent in prison. Holt and Miller's study found that after 4 years of incarceration, inmates had ". . . at least as many social contacts as those just beginning their prison terms."<sup>1</sup> The only exception to this finding was in the visiting patterns of "wives." Visits from legal wives tended to decrease during the second year of a first-time incarceration; about 25 percent fewer wives were still visiting after 3 or more years. In other words, 75 percent of the wives were still visiting regularly after 3 or more years of incarceration! In fact, "The contacts were about as frequent after several years of incarceration as during the first six months."<sup>2</sup> Holt and Miller were surprised to find this large "hard core" of wives maintaining their same frequency of visiting over 4 or more years and on into second and third prison terms. Legally married inmates averaged 3 or 4 visits per year from parents, siblings, relatives and male friends; they averaged 24 visits per year from their wives. One in four was visited by his wife every week. Those who had been living in common-law marriages averaged 3 or 4 visits per year from their "spouses." Eighty percent of those who had lived in common-law relationships were not getting visits from their "wives."

When these findings based on visiting patterns were compared to other variables usually associated with predicting parole success, results were most interesting. Even the most highly regarded parole success indicators were not found to affect

parole success as much as having a family to go home to. For those men who received 2 or more regular visitors, the amount of their release money was not associated with parole outcome. Even "having a job waiting" did not affect parole success as much as regular visits. "Given the same number of visitors," Holt and Miller point out, "those with no jobs were as likely to have clear parole records the first year as those with a job waiting for them."

Several studies have indicated that place of residence is associated with parole outcome. Usually, the findings are that men who live alone after release are the most likely to recidivate while those living with parents or wives are significantly less likely to violate parole. Generally, those inmates released to reside with parents or wives exhibit the least parole difficulty; a greater amount of difficulty is associated with living alone, living with siblings and living with others, in that order.

The value to society of maintaining strong prisoner-family relationships can be seen in all categorical measures. In every comparison category, including those with 3 or more prior commitments, men with more family-social ties have had the fewest parole failures. Even first termers with few family-social ties are more likely to recidivate than those with extensive family-social ties.

The reliability of Holt and Miller's findings is substantiated by the results of other research. The earliest of these efforts was constructed by Lloyd Ohlin in the course of developing a parole success prediction scale for the state of Illinois. Ohlin developed an "index of family interest" to study the belief of many parole agents that parolees with closer family ties tended to do better on parole. Using a sample of releases from 1925 to 1935, he found that 75 percent of the inmates classified as maintaining "active family interest" while in prison were successful on parole while only 34 percent of those considered loners experienced parole success.

Using Ohlin's classification system, Glaser studied a sample of 1956 releases from Federal prisons with very similar results. He found 71 percent of the "active family interest" group were successful on parole compared with only 50 percent of the "no contact with relatives" group.<sup>5</sup>

In an earlier study of 1940-49 releases from a reformatory type branch of the Illinois State Penitentiary, Glaser had found a 74 percent pa-

role success for the "active family interest" group and a 43 percent rate for those parolees without in-prison family contacts.<sup>6</sup>

Holt and Miller questioned their own findings in terms of the motivation of the individual inmate. If "differential motivation" were an explanation of parole success, it would have shown up in some of the other areas they compared. However, this proved not to be the case. "Those who maintained frequent family contacts received about as many disciplinary reports, had no better work records, were no more likely to participate in treatment programs, and did about the same in group counseling. In summary, all the evidence suggests that there is a strong, independent positive relationship between maintaining frequent family contacts while in prison and success on parole."<sup>7</sup>

The convergence of these studies, the consensus of findings, should be emphasized. The strong positive relationship between strength of family-social bonds and parole success has held up for more than 50 years, across very diverse offender populations and in different locales. It is doubtful if there is any other research finding in the field of corrections which can come close to this record.

Despite such conclusive evidence as to the value of a prisoner's close ties with family as a powerful and reliable rehabilitative tool, the problems of the family, and particularly those problems which militate against the family keeping close supportive ties with its imprisoned member, are largely ignored.

Mary Schwartz and Judith Weintraub have assessed the immediate impact of a husband's incarceration on the wife. They conclude it is quite similar to loss by death. There is grief and fear; he is gone, he is not there to help with any of the problems of the family's life. Yet the feelings and reactions are more complicated than those which follow death. In addition to grief and fear, there is also shame, anger and confusion. How will they manage? What should she tell the children? How will she and the children be treated in the community?<sup>8</sup>

Vincent H. was sent to state prison for 15 years, convicted of armed robbery. After 3 years, he had achieved residence in the honor unit. The

aura is that of a college dormitory, complete with pool tables, color TV, private and semiprivate rooms. The unit even has a parakeet for a mascot. Vincent H. was described by a reporter as "a man who looks like a camp counselor in his blue prison jumpsuit and white sneakers." He is an active member of Alcoholics Anonymous, attends church services every week and helped start up group therapy sessions. He has received a graduation diploma from welding school and successfully completed a Dale Carnegie course on "How to Win Friends and Influence People." So Vincent's life proceeds, inside the confines of the state prison to which he was sentenced to pay for his crimes.

Mildred H. is Vincent's wife. She sleeps on a thin floor mattress with her 9 year old son, Mike. Her daughter, Debbie, age 7, was born with water on the brain and paralyzed legs. She sleeps on the couch. They live in a one room house. Mildred H. has no telephone, no savings, few friends to count on and no leisure time. Up at 5:15 each morning, she takes the children to the baby sitter and gets to her job by 7:20 A.M. She earns \$240 a month, hemming 1,020 pairs of trousers each day. After work she gets the children from the babysitter and returns to their one room, \$88 a month house. Mildred makes dinner, gives baths, does the laundry by hand and gets to bed by 10 P.M. The only social service aid she receives is Medicaid for Debbie who has had 10 operations so far. Mildred has stopped going to church. There are no programs to broaden her horizons, no facilities to lighten her load or soften her reality.

"She's just wore out," says Vincent, ". . . She's hanging on by shoe strings now, . . . I don't know how she's doing it . . . I'm afraid she'll fall apart. I'm the one who's supposed to pay, not Mildred and the kids."<sup>9</sup>

Mark Luttrell, Commissioner of Corrections in Tennessee, has said, "Tremendous interest has been shown lately in the man behind bars, but there is very little interest in his family."<sup>10</sup> Although prison wardens often admit the need for family programs, no help is offered to wives and children of inmates. "Sometimes their needs are as simple as a ride to the prison or just someone to talk to."<sup>11</sup> Often the problems are deep and the needs complex. It is not unusual for the children of prisoners to be put in foster homes and orphanages.

At the 32 major Federal institutions, incarcerating some 23,000 inmates, there are no family

<sup>1</sup> Holt, N. and Miller, D., *Explorations in Inmate-Family Relationships*, California Dept. of Corrections, Report No. 46, Jan. 1972.

<sup>2</sup> *Ibid.*, p. 63.

<sup>3</sup> *Ibid.*, p. 43.

<sup>4</sup> Ohlin, L., "The Stability and Validity of Parole Experience Tables," Ph.D. dissertation, Univ. of Chicago, 1954.

<sup>5</sup> Glaser, D., *The Effectiveness of a Prison and Parole System*, Bobbs-Merrill, Inc. New York, 1964.

<sup>6</sup> *Ibid.*, p. 366.

<sup>7</sup> Holt & Miller, *op. cit.*, p. 63.

<sup>8</sup> Schwartz, M. and Weintraub, J., "The Prisoner's Wife: A Study in Crisis," *FEDERAL PROBATION*, March 1974.

<sup>9</sup> Source: "Families Do The Hardest Time," from an AP report in *The Candle*, Correctional Program News, Feb. 1975. (published by Lewis Univ. Special Services Center, Chicago.)

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

programs, according to Larry Taylor, the executive assistant to the director of the Federal Bureau of Prisons. "We don't have the funds to hire social workers to aid with transportation to the prisons. Right now, there are so many problems in our correction system, that if we did get additional funds, we'd probably use them on a higher priority item, like overcrowding," he has said. Mr. Taylor adds, "Private groups are encouraged to help prisoner's families, but there aren't very many groups and it's a hit-or-miss proposition."<sup>12</sup>

Since family prison visits have been shown to have a high correlation with parole success, what are the problems which hinder or prevent regular family visits?

While the largest urban areas in each state provide by far the largest source of inmate populations, even the newer prisons have been built in rural locations, at great distances from the large cities. Often these facilities cannot be reached by public transportation. William Nagel tells us that in examining 23 of the newest state prisons (all built after 1967), he found the average distance between the prison and the state's largest city to be 172 road miles. The smallest distance was 30 road miles, the greatest 450 road miles.

The situation with the Federal men's prisons is even worse. It is not at all uncommon for a prisoner to be confined 500 to 1,000 miles from his family.

The visiting situation for women prisoners is far worse than for men. Most states have only one facility for women. Some states have no facilities at all for women so they are "boarded" in the women's penitentiary in an adjacent state. The situation for Federal female prisoners is worst of all:

The overwhelming majority of Federal women prisoners . . . are confined in the Federal Reformatory for Women at Alderson, West Virginia. That part of southern West Virginia is breathtakingly beautiful, but extraordinarily isolated and extremely difficult to reach by highway, air or train.<sup>13</sup>

Women prisoners are further degraded and denied reinforcing family contacts by the policy in some states that babies delivered in prison are considered "court property."<sup>14</sup> These babies are

<sup>12</sup> *Ibid.*

<sup>13</sup> Nagel, Wm., *The New Red Barn: A Critical Look at the Modern American Prison*. Published for The American Foundation, Inc., Institute of Corrections, Phila., Pa. by Walker & Co., New York, 1973.

<sup>14</sup> Burkhardt, K., "Women's Prisons Fall Us All." *The YWCA magazine*, Feb. 1972, pp. 22-24 & 34.

<sup>15</sup> *Ibid.*, p. 24.

<sup>16</sup> Goffman, E., *Asylums*. Anchor Books: Garden City, N.Y. 1961.

disposed of by the local welfare department; the mother of the infant has no rights to her newborn, no choice in the matter.

In some prisons, only the English language may be spoken, read and written. The major reason for this rule, where it exists, has been a lack of censors fluent in Spanish. Yet it means that inmates who speak only Spanish—or any language other than English—cannot talk during visits nor send and receive letters.<sup>15</sup>

Some prisons insist that for an initial period of time, usually several weeks after a prisoner enters the institution, he is held virtually "incommunicado" from the outside world. He is not permitted to have visitors nor to send or receive mail. The official reasoning behind this policy is to "wean" the prisoner from the outside world so he will become amenable to the structure and rules of the prison more quickly.<sup>16</sup>

It is not uncommon for a prisoner's family to be totally ignorant as to his whereabouts, and unable to get any information, for 3 or 4 weeks after sentencing. Is it necessary to submit the prisoner's family to this additional burden of worry? It is much to the credit of organizations like the Prison Reform Task Force in New York City that case workers will take the time to navigate the administrative red tape to find out where a prisoner is incarcerated and what the visiting and mail regulations are.

If the wife and children of a prisoner should be forced to turn to Welfare to remain alive and maintain themselves as a family unit, even one visit a year to a distant prison may be a financial impossibility. For example, one round trip to Attica State Prison from New York City, using the lowest priced public transportation available, cost \$63.45 in 1975. The New York City Welfare allotment for a "single" adult, in 1975, was \$36.00 a week. The cost of the trip to Attica—figured on transportation costs only—is therefore 176.25 percent of the wife or mother's *total* weekly income. Since one must pay for rent, utilities and food, and since welfare allotments are based on subsistence levels, the study hypothesized that with determination, it would be possible to save 5 percent of the welfare allotment towards a visit to a husband or son confined in Attica. At this 5 percent rate, it would take 36 weeks to save the \$63.45 required for the trip; in other words, only *one* visit per year is possible!

While Attica is the most expensive state prison to reach from New York City, the cost factors

in a disturbed family and home situations, they are totally engrossed in surviving in a hostile environment.<sup>17</sup>

Short range or long range, imprisonment of a central member has deleterious effects on all members of a family. Since the most important finding of Holt and Miller's comprehensive study is the strong, consistently positive relationship between parole success and the maintenance of strong family ties while in prison, it behooves us to try to eliminate institutional procedures and locations

<sup>17</sup> Hahn, P. *Linkup*. Dec. 1974, p. 9.

which impede family visits. Wider use of early and partial release programs and facilitation of family visit programs have been suggested as possible remedies to the difficulties extant in maintaining desirable close family ties with a prisoner. Programs which help families, split by imprisonment, to continue to function as a viable family unit need to be encouraged. If we wantonly discard or disregard a major, proven rehabilitative tool, such as maintenance of regular family visits to our imprisoned population has shown itself to be, it appears to this author that we are, in effect, cutting off our noses to spite our collective face.

**END**