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Criminal Justice *Henry R. Glick*
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- Equity—The Oregon Parole Matrix *Elizabeth L. Taylor*
- Techniques in Probation and Parole:
the Relationship *Henry L. Hartman*

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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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Interviewing Techniques in Probation and Parole

By HENRY L. HARTMAN, M.D.

Psychiatrist

I. Building the Relationship*

AT ANY GIVEN MOMENT thousands of interviews are being conducted all over the world. The purposes of these interviews are probably as varied as the languages in which they are being conducted—to find the proper person for a job, to ascertain the views of a public figure on some national or international situation, to get the impressions of a visitor to a foreign country, to help a student to select the right course, to ascertain the facts in a crime. The list can be extended indefinitely. This discussion of interviewing techniques will proceed on the assumption that the probation officer is interested in more than just keeping his probationer out of trouble during the period of probation,¹ but has three main goals in mind when he conducts an interview. These goals are:

1. To understand the probationer and his behavior;
2. To help the probationer better understand himself and his behavior;
3. To use that understanding to help the probationer to modify that behavior.

This series of articles will concentrate on those techniques of interviewing which may be used to attain the first goal—to understand the probationer and his behavior—and simultaneously to establish with the probationer the sort of relationship which can be utilized to best advantage in attaining the remaining two goals. With this purpose in mind an attempt will be made to keep these suggestions as practical as possible and to avoid theoretical speculation. The general approach will be that of a nondirective type of interviewing, but the great majority of the techniques and attitudes discussed may be used in any type of interviewing situation.

Since the author is a practicing psychiatrist

some of the examples will be drawn from his clinical material, but this does not imply that the principles involved are applicable only to severely neurotic or otherwise emotionally disturbed individuals. As this is not a theoretical paper, there will be few references to the literature. This is not meant to imply that the ideas expressed are original with the author. They have been stated before by other writers in the fields of interviewing, communications, and treatment, among them, Deutsch and Murphy, Means, Rogers, Ruesch, Stevenson, Whitehorn, Wolberg, and others. This first article will be devoted largely to suggestions for building the sort of relationship in which communication can take place.

Interviewing, whether it is formal or informal, structured or unstructured, always involves a relationship between two people, the interviewer and the interviewee. The success or failure of the interview depends on how quickly and how positively that relationship is formed. There are two conditions somewhat peculiar to the field of probation and parole which are likely to make the formation of that relationship more difficult than in other fields of counseling.

The first of these conditions is the fact that the relationship is mandatory, imposed on the probationer by an outside authority, the court. Hence it is likely to be viewed by the probationer more often as punitive, than as an opportunity to get help with his problems.

The second condition which may arise in this particular situation is that only too often the probationer has the feeling that "nobody understands me; nobody ever has understood me; nobody really wants to understand me," bypassing the fact that he does not really understand himself, never has understood himself, and does not really want to understand himself. He is lost in a sea of illogical rationalizations about the well-springs of his own behavior. It is therefore imper-

* This is the first of a series of four articles on interviewing in probation and parole by Dr. Henry L. Hartman, a practicing psychiatrist at Toledo, Ohio, and consultant to the Child Study Institute of Toledo's Family Court. Dr. Hartman's second article, "The Art of Listening," will appear in the June issue of *Federal Probation*.

¹ When probation is used in this article, it also includes parole.

ative that in the first one or two interviews the probation officer be able to convey to the probationer the feeling that not only is he interested in understanding the probationer, but also that he is capable of doing this. At the same time the knowledge must be transmitted that this understanding is not to be used as a club over the probationer, nor as an instrument with which to ridicule him, but as a means of helping him—possibly for the first time in his life—to understand and help himself. Only if this is accomplished can the atmosphere be changed from a perfunctory reporting of activities which conform to probation regulations to a discussion of the real problems within the individual.

Principles the Probation Officer Must Recognize

In order to do this the probation officer must be aware of several principles for maintaining the proper climate during the interview. The following set of rules is adapted from Wolberg.²

1. The probation officer must try to put himself in the probationer's position in order to try to see things from the probationer's point of view. For example, a probationer may complain of how unreasonable the court's condition is that he refrain from contacts with former associates. The probation officer might well feel that it is the probationer who is being unreasonable. An effort must be made to try to see this from the probationer's point of view, to see why he feels this way. This does not mean agreeing with the probationer's point of view; it means trying to see it from his point of view. What is the frame of reference from which it derives, and what are the factors—cultural, personal, developmental—which have influenced it?

2. The probation officer must appreciate that many times it is impossible to understand the probationer's reaction patterns from a viewpoint of common sense. Viewed in a realistic way the probationer's behavior frequently seems unnecessary and even self-destructive. Yet these behavior patterns persist despite the fact that they consistently get the probationer into trouble, and often despite a sincere effort on his part to change.

3. The probation officer must recognize that frequently the reaction of the probationer toward him, reactions such as awe, hostility, submission, have little to do with the probation officer as a

real person. Probationers consistently carry over into the present their attitudes toward authority figures in the past, or they may be acting out a feeling toward idealized authority. In the court situation in particular the probation officer is frequently seen, not as a real person, but as a symbol of the court and of all past authority (father, mother, school teachers, etc.). It is therefore imperative that the probation officer be on guard not to react to the probationer's responses, be they unpleasant or seductive, insulting or provocative, as though they were directed at him personally, but to see them as they are, a repetition of the probationer's attitude toward real or idealized authority.

4. The probation officer must recognize that just as the probationer's reactions toward him may be projections from the past, so, too, some of his own reactions toward the probationer may be carried over from his own past. Whenever a probation officer finds himself unusually or unaccountably attracted to or feeling sorry for a probationer, or conversely, unusually or unaccountably angry at or upset by a probationer, he should stop and ask himself why. For example, a probation officer who had had an extremely dominating father in his own past might find himself overly identifying and sympathetic with a probationer struggling in the same situation, or might find himself quite impatient with this probationer, feeling, "I was able to free myself from this situation without rebelling against all authority. Why can't he?" The mere recognition of what is being stimulated in his own past may not of itself enable the probation officer completely to control his unreasonable reaction, but it will help. Such control must eventually be established if the probation officer is to work effectively with this particular probationer.

5. The probation officer must remember that leadership in the counseling situation rests with him, no matter how nondirective he may wish to be. The way in which this leadership is applied will help to determine results. It must not be arbitrary, intolerant, or punitive, or the result will be merely to reinforce the probationer's feelings about past traumatizing authority figures. The probation officer must avoid arguing, belittling, or ridiculing the probationer. There are times when the probation officer must be firm, but this must be accomplished without belittling, cajoling, or arguing.

6. The probation officer must have faith in the

² Lewis R. Wolberg, *The Techniques of Psychotherapy*. New York: Grune and Stratton, 1954, pp. 184-5.

basic goodness of human beings and their potentialities for growth and development. The loss of this faith is quickly recognized by the probationer, and he may then respond to it in ways that are disturbing.

Conveying Interest

With these points firmly in mind the probation officer should next turn his attention toward setting the stage to create the sort of atmosphere in which communication is possible. From the point of view of physical surroundings the average probation officer usually does not have the sort of office which helps to convey an atmosphere of warmth or understanding, and there is little that he can do to effect major changes. There are, however, certain arrangements which he can make which might be of help. The desk should be as uncluttered as possible, and only material pertinent to the probationer being interviewed should be visible. Arrangements should be made to see that there are no telephone or other interruptions during the interview. For, in order to create this atmosphere which facilitates communication, the first thing the probation officer must do is to convey his interest in the probationer, regardless of the physical surroundings. The most successful interviews generally take place when the probationer is convinced that talking to him or her is at that moment the most important thing in the world to the probation officer. The probationer can be so convinced only if it is. The probation officer must be interested, and he must project that interest without its being forced or contrived. This projection of interest does not imply a buddy-buddy attitude, nor gushing all over the probationer. It does imply the probation officer's undivided attention and an appearance of listening thoughtfully and with consideration to what is being said. The probationer deserves this undivided attention, and cannot be convinced of the probation officer's interest without it.

Here is an example of what can happen even in an established relationship when this principle is neglected. A patient is talking of changing her obstetrician, which is surprising since he had delivered her only child and had seen her through two miscarriages. She explains her feeling in this way. "I was in his office to talk about a problem I was having and all the time I was talking he was fiddling with a lamp on his desk which wasn't working properly. If that lamp

meant more to him than what I was saying, then I'm getting a new obstetrician."

This matter of giving undivided attention to the probationer brings up the question of the feasibility of taking notes during the interview. Only too often note-taking interferes with following the flow of the interview and noting the significance of pauses, facial expressions, and bodily movements. More important, the effort to get everything down in notes is likely to convey to the defendant or the probationer the feeling that the notes are more important than what is being said. Note-taking, then, might be confined to those things which the probation officer cannot possibly be expected to remember: dates, family names and ranks, addresses, things of this sort. An effort should be made to get these factual data out of the way in the first or second interview. There is an indispensable requisite to interviewing without taking notes. This is to get the material on record as soon as possible after the interview is over. It is amazing how frequently the most significant details can escape one's memory.

This record should always be reviewed before the start of the next interview. When dealing with a defendant or probationer in a series of interviews, it is a very helpful technique in conveying interest to refer to something which had come up in a previous interview. If it is a matter of importance, such as starting a new job, or something of that sort, it is advisable to bring it up at the beginning of the subsequent interview. Questions such as, "How are you getting along on your job?", "Do you like it?", "Do you feel that your employer is satisfied with you?", which deal with something of significance in the probationer's life, always carry a feeling of real interest in him as a person. Introducing a minor detail from a previous interview may help to convey even a greater tone of interest. When such a minor detail is referred to, it should be introduced at an appropriate moment, not dragged in by the heels.

"My friend thinks I should talk to someone about it."

"Oh that's the friend you played football with in high school."

This technique of remembering minor details should be used with caution in dealing with those individuals who have a low self-esteem. Instead of conveying a feeling of interest, there may be created a feeling of awe of such an excellent memory with a further lowering of self-esteem.

The probation officer may be seen as a superior, all-knowing figure, and the relationship may be impaired. Just as remembering details of previous interviews is an aid in conveying interest and building the relationship, forgetting something of significance can be quite damaging. Should this happen, expressions of surprise should be avoided, and some such statement should be made as, "I'm sorry but I'm not quite clear about that. I wonder if you'd mind telling me a little more about it."

Another means of conveying interest is an unhurried manner. No matter how impatient he is, no matter what the demands on his time, the probation officer should strive to give the impression of having all the time in the world to spend on the probationer's problems. This is conveyed by his manner, and bears no direct relationship to the amount of time he spends. The probation officer should avoid being brisk and curt. It is helpful to allow the probationer a moment or two to settle back in his chair and relax before plunging into the interview, accompanying this moment's leisure with a reassuring smile. The interview should be terminated at a natural break in the conversation, rather than by interrupting the probationer's flow of thought because the allotted time is at an end.

There is one other useful technique in expressing interest. No one likes to drop words into a vacuum, and so from time to time, even with the person whose thought seems to flow in an endless stream, it is necessary to make some sort of response. This may be just a nod of the head, and "mmh hmm," or a few assenting words. This should not be forceful enough to interrupt the individual's flow of thought, but enough to make him aware of the fact that he is communicating, and that what he says is being heard.

Maintaining a Nonjudgmental Attitude

Equal in importance to conveying interest, as a means of creating an atmosphere in which communication can take place, is the consistent maintenance of a nonjudgmental attitude. This is a concept that is frequently misinterpreted. A nonjudgmental attitude does not mean an approving or condoning attitude any more than it means a condemnatory attitude. It means exactly what it says: the probation officer does not pass judgment on what the probationer tells him. This attitude refers, of course, to feelings and opinions and not to facts. Here is where this misunder-

standing so frequently occurs. If a probationer is skirting the fringes of his probation conditions, it is the probation officer's responsibility to point this out to him, as well as to point out the probable consequences of his actions. In these circumstances, however, a nonjudgmental attitude implies that this is done without any implication that the client is bad, incorrigible, or antisocial.

This nonjudgmental attitude should carry over into the probation officer's response to everything the probationer reports. If a youngster relates how he lost his temper and swore at his mother, neither, "Well, that's a terrible thing to do," nor, "She seems to have deserved it," are appropriate responses. Both carry judgmental implications. Or, a female probationer tells how her husband beats her, and the temptation to say either, "You poor thing," or, "You seem to have provoked it," must be resisted. In the first instance (that of the boy) the comment might be, "How do you feel about having behaved like that?" and in the second (that of the woman), "That must be very upsetting." In both cases this expresses interest and awareness, but does not pass judgment.

There is a somewhat subtle trap present in the second example. The woman has been talking of what would seem to be a wrong done to her, and it would seem to be an easy way to show interest by siding with her, making some such comment as, "It's a pretty low man who would beat up a woman," or "The dirty dog." This temptation must be resisted, because it definitely expresses a judgment, not on the probationer, but on a third person. It is then an easy transition in the probationer's mind to, "If he judges someone else, he must judge me too." All comments then should be nonjudgmental.

Communicating Understanding and Empathy

If the goal of establishing a relationship in which the probationer can communicate is to be quickly achieved, then the probation officer, at the same time that he is establishing the fact that he is *not* the sort of person who passes judgment, must also establish that he is the sort of person who is understanding and able to empathize with the probationer's feelings. Communicating empathy may be done in many ways. One such is offering a tissue to a crying probationer, while conveying an understanding of the reason for the tears. "It's all right to cry, it may make you feel better," is a frequent way of expressing empathy. Another is, "That must be hard for you

to talk about," when a sensitive area comes up for discussion. Probably the most satisfactory way of expressing empathy is by putting the probationer's presumed feelings into words, and reflecting these feelings back to him. Thus, in the example of the boy who swore at his mother, "And how do you feel about having behaved like that?" expresses interest. Empathy would be conveyed by, "That must have made you feel . . ." utilizing "ashamed," "guilty," "like a big shot," whatever the appropriate feeling in the situation seems to be.

This is probably the single, most useful technique in establishing a relationship, this technique of conveying empathy and understanding by reflecting back a client's feelings. Its use, however, must be exercised with a great deal of caution and an inner certainty that the reflected feeling is the one the probationer is actually experiencing. There are two definite risks in a wrong assumption.⁸ The first is that if the assumption is wrong, the probationer may interpret it as a judgment, and think, "This is the way he feels I should have felt." The second risk is probably even more critical. That is the possibility that if the probation officer has remarked, "And that made you feel guilty," when the probationer's feeling is, "I felt proud of having stood up to my old lady," then the probationer's basic feeling of "nobody understands me" is strengthened.

It is better, then, to proceed slowly with exploratory rather than empathic remarks until the probationer is better known. At that time the probation officer will be more sure of his ability to know how this particular probationer feels in these particular circumstances. Sometimes, too, early in the relationship, the empathetic observation may be too right. It may spotlight a feeling that the probationer is unable to acknowledge to himself. Then, at the same time that he contradicts the comment, he retires more firmly behind his defenses. He may now become afraid of the probation officer's ability to discern his true feelings, and become more wary and on guard. This is likely to be true particularly in the adolescent. The probation officer may recognize that the interview situation itself has the probationer—especially a youngster—a little frightened. If the probation officer starts empathizing with the boy's uneasiness with a remark such as, "This must be a

little frightening talking to me for the first time," the spector of being "chicken" may be raised, and the adolescent has to deny this. His guard is likely to go up right away, and there is a danger of losing him, at least for that interview. Under these circumstances it is sometimes of help to aid him to project his feelings with a remark like, "It's pretty natural for lots of people to be afraid in a situation like this, but you don't seem to be very upset." This helps to put him at ease, and may even allow him to verbalize, "Well, I was a little, when we started, but I'm not now." He is able to feel that the probation officer is understanding and will not look down on him because he was afraid.

At times the probation officer is presented with the sort of insecure person who has to keep up a front of self-sufficiency and assurance. In dealing with this sort of person it is a help in conveying understanding to respond with, "Perhaps you could help me to understand how you felt when . . ." rather than with the usual, "And that must have made you feel . . ." This implies the desire to understand the individual, and feel with him, without any possible challenge to the worth of his feelings. It lets him keep his facade of self-assurance and still share his feelings.

In addition to these methods just described, or even at times instead of them, a nod, a smile, an assenting murmur, all help to convey understanding and empathy as well as interest. The facial expression of warmth, or the interest conveyed in the tone of voice may be all that is necessary. Certainly these nonspecific measures are preferable until one has enough understanding of the probationer to be sure of the aptness of the verbalized observation.

Letting the Probationer Talk

There is one other indispensable step in this process of creating an atmosphere for communication. That step is letting the probationer talk, and not cutting the flow of communication short by interruption. This may sound contradictory to the principle established above for creating a feeling of empathy and understanding by making the appropriate comment or assent rather than letting words fall into a vacuum. The two principles are actually quite different. These assenting phrases are made to facilitate the flow of thought. Interruptions are designed to stop it, correct it, or to change its direction.

There are probably two general types of situa-

⁸ These risks are of importance chiefly in the early stages of establishing a relationship. Once a satisfactory relationship has been established with most clients, it will stand a lot of strain without being seriously disturbed.

ations in which the probation officer is tempted to interrupt. The first is when he is impatient, irritated, annoyed; the second is when he is extremely interested and wants to pursue a topic that the probationer seems to have left up in the air. An example of the first type occurs when the probationer is rambling along, talking about nothing in particular, and the probation officer is eager to get to meaningful material. Then in passing, the probationer refers to something which the probation officer feels may have great significance, only to drop it immediately and go back to the seeming chit-chat. It is a great temptation to interrupt at this point in order to get the probationer back to the topic that seemed to be of interest. This temptation must be resisted. It is always possible to reintroduce the reference at a later time in the interview. It is rarely possible for the probation officer to anticipate the direction which the apparently meaningless talk might have taken if allowed to go unchecked. It may be that the probationer would have arrived at far more meaningful material if allowed to proceed in his own way, than the material elicited by the probation officer's question. Indeed, it may be that the probationer is working himself up, by dint of much hard effort, to talk about a topic which he finds extremely difficult to approach. An interruption at this point may increase his difficulty to the extent that he will never come to it. He may even seize on the probation officer's obvious interest to talk about something which he feels will please the probation officer, and thus rationalize his failure to talk about what was important to him. It does not take much additional expenditure of time to differentiate the individual who is building up to saying something of significance from one who is talking to fill up time and to evade the real issues.

The following is an example of the second type of situation in which interruptions are most likely to be made by the probation officer. He is asking questions designed to elicit factual material, and asked, "Who is in your family? How many children do you have?"

The probationer answers, "We have five children. There's Alice, she's 18. Tom is 16. Jerry is 15. That Jerry, he's a funny kid. He . . .," and the probation officer, in his interest to elicit the names and ages of the other children, is likely to interrupt to say, "Who comes after Jerry?"

This is the sort of interruption that should be

avoided. The question of the remaining children can wait until the client has had his say. This side excursion about Jerry may reveal more about the probationer's personality and attitudes than any amount of formal questioning. It may disclose his attitudes toward children and their behavior, discipline, spouse, interfamilial cooperation or lack of it, family favorites, what he himself was like as a child, etc. Talking in this spontaneous manner, he will be much less on guard than in answering direct questions about all these subjects. So interruptions, interjections, and corrections must be guarded against.

Comment and Summary

At first glance it may seem that the techniques which have been described are extremely time-consuming and must lead to a completely unstructured interview situation. Neither of these assumptions is valid. As was noted in the example just cited, the apparently time-consuming side excursions frequently turn out to be short cuts to the main road, and are actually timesavers in themselves. Even when these techniques have seemed to have wasted time in the first few interviews, they will actually prove to be time saving in the long run, since they will have served to establish a positive relationship as quickly as possible. Nor does their use necessarily lead to an unstructured interview, although the probation officer may ultimately find that he prefers to work in such an unstructured setting. Considerations of their use in a more structured setting will be discussed in a subsequent article.

In this first of a series of articles on interviewing techniques for the probation officer an attempt has been made to describe methods which he can use to create the atmosphere in which communication can take place and a positive relationship between himself and the probationer can be formed. Certain basic awarenesses have been defined which must be present for the probation officer to utilize these methods properly. The following techniques were discussed: Conveying interest, maintaining a nonjudgmental attitude, conveying empathy and understanding, and letting the probationer talk. Specific methods for utilization of all of these techniques were discussed. Future articles will deal with the art of listening and the conduct of the interview.

Current Comments

I have been asked to comment on how I might have changed this series of articles had I been writing them today, 15 years later. On reviewing them now I am not surprised that they express very much the same methods I am teaching and practicing today. Techniques as fundamental as these do not change much with time. I would try to avoid the use of the generic term, "he," although that leads to quite convoluted writing at times. I would also introduce the concept of the studied use of confrontation as a technique to engage those particular adolescents who thrive on arguments, shifting from confrontation to a more nondirective technique once they were engaged. Also, as will be discussed in relationship to specific articles, I would include the necessity of discussing the question of drug abuse, since this has become such a pervasive element in the street culture.

Turning now to this particular article I find that I did not discuss the matter of confidentiality. Corrections officers find themselves in an extremely difficult position. Although attempting to form a therapeutic relationship, they cannot guarantee confidentiality. It must be made clear from the start of the situation that nothing relating to antisocial behavior can be considered confidential. This implies that both the worker and the probationer must learn to differentiate between deeds and feelings. Feelings can be freely vented, respected and held in confidence. Anti-

social deeds may not. This may seem like a bar to the establishment of an effective relationship. Actually in this mandatory situation such complete honesty at the very outset is the only way that a meaningful relationship can be developed.

I would also add one other principle in building a relationship to the four which have been discussed. That is the matter of conveying respect for the probationer as a fellow human being. Several technical means can be used to facilitate this. One is the choice of names. Corrections workers usually call their clients by their first names. If so, they must be willing to be called by their own first names in return. To do otherwise is to imply superiority and a certain amount of contempt. It is far wiser to ask at the outset by what name the client would prefer to be called, and then to use that name. It is particularly harmful to use a name that the client dislikes. Many people prefer to be called by their middle name or by a nickname. The choice of language also conveys respect. We must neither talk over the heads of, nor down to, clients. Finally a frank discussion of the purpose of the interview, or the projected series of meetings, is very helpful in conveying respect. A nondirective technique can be used as well. Initiating the first interview with, "Do you know why you're here?" cannot only convey respect, but may also bring an unexpected answer which may then be explored. Clarification of the purposes of the interview then gets the relationship off to a good start.

IN ORDER for the probationer to feel that the counseling relationship is of benefit, it is necessary that he feel he is understood *as he understands himself*. This is important because no one trusts someone else if he feels that that other is not "with" him. Only when the client experiences the feeling of being understood will he, in turn, listen to what the officer has to say.—JOSE ARCAYA

END