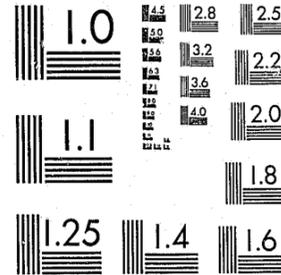


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Federal Probation

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MARCH 1980

Federal Probation

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This Issue in Brief

An Organization Development Experience in Probation: "Old Dogs" Can Learn New Tricks!—The Maricopa County Adult Probation Department, Phoenix, Arizona, contracted with Training Associates to provide management and organization development training from March 1978 through February 1979. This article by Gary Graham and Herbert R. Sigurdson discusses problems within the organization which initiated this venture; OD theory is summarized; baseline data is presented; and the OD method used in the project is elaborated upon. Followup change-oriented data is presented at 7- and 12-month intervals.

The Ex-Offender and the "Monster" Myth.—A number of authorities have asserted that prisons invariably have a deleterious effect on all who are incarcerated. Using data collected as part of an extensive ongoing study of 1,345 consecutive admissions to the Federal Correctional Institution in Tallahassee, Florida, this study examined this assertion empirically through inmate interviews, comparison of personality tests administered on entering and leaving prison, and post-release recidivism data. Authors Edwin I. Megargee and Barbara Cadow conclude that the popular impression that all inmates emerge from all prisons significantly more disturbed,

Dealing With the Violent Criminal: What To Do and Say.—Criminal justice workers are often asked to give advice about how to handle an assault or a mugging attempt by a criminal. William B. Howard argues that the most immediately effective strategy is psychological resistance, and that presenting oneself in a non-critical, nonthreatening fashion will greatly reduce the likelihood of violence.

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General Overview of Capital Punishment as a Legal Sanction.—In spite of United Nations efforts, capital punishment as an official or unofficial penalty deliberately imposed is becoming more frequent in far too many countries, asserts Professor Manuel López-Rey. There are two main forms of it: judicial death penalty which may be imposed by a subservient judiciary and non-judicial death penalty which may be decided and executed by military, police, and ideological services and organizations. The author concludes that at the end of the 20th century crime and penal sanctions are more and more determined by political regimes.

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All phases of preventive and correctional activities in delinquency and crime come within the fields of interest of FEDERAL PROBATION. The Quarterly wishes to share with its readers all constructively worthwhile points of view and welcomes the contributions of those engaged in the study of juvenile and adult offenders. Federal, state, and local organizations, institutions, and agencies—both public and private—are invited to submit any significant experience and findings related to the prevention and control of delinquency and crime.

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bitter and inclined toward criminal behavior is false.

The Criminal Personality or Lombroso Revisited.—This article contends that a relatively recent book, *The Criminal Personality*, is not genuine research, but merely the unsupported views of a psychiatrist (who died several years ago) and a clinical psychologist. O.J. Keller attacks the basic concept of this work, calls attention to numerous contradictions, and criticizes the research as failing to meet the most elementary standards.

The Salient Factor Score: A Nontechnical Overview.—The "Salient Factor Score," a predictive device used by the U.S. Parole Commission as an aid in assessing a parole applicant's likelihood of recidivism, is described by Commission researchers, Peter B. Hoffman and Sheldon Adelberg. The relationship found between the predictive score and favorable/unfavorable outcome is shown for two large random samples of released Federal prisoners, totaling 4,646 cases. Use of the "Salient Factor Score" as part of the system of decision guidelines established by the Parole Commission and the relationship of the guideline system to the exercise of discretion in decisionmaking are then discussed.

Health and High Density Confinement in Jails and Prisons.—High density confinement in correctional institutions has been the focus of much attention during the past decade, according to Bailus Walker, Jr., and Theodore J. Gordon. This concern has prompted several agencies and organizations to revise old standards or develop new criteria for minimizing the noxious influence of high-density confinement on jail and prison inmates. The application of these criteria and standards has raised at least one fundamental

question: Upon what bases are the standards established? Although there are many possible bases for the establishment of population-density criteria, the extrapolation of available data generated by epidemiological evaluations and medical observations suggests rational bases for controlling population density in jails and prisons.

The Private Sector in Corrections: Contracting Probation Services from Community Organizations.—After examination of current practices regarding delivery of correctional services, via purchase-of-services contracts with private sector agencies, an attempt was made to assess one of the Nation's largest private probation programs—Florida's Salvation Army Misdemeanor Probation Program (SAMP). Following analysis of SAMP's fee-financing, structure and clientele, a preliminary assessment of the program's revocation rate (6.3 percent) and cost-effectiveness was undertaken. Author Charles A. Lindquist states that while further evaluation is needed, it was tentatively concluded that several aspects of the program were effective.

Social Work and Criminal Justice: New Dimensions in Practice.—One to one counseling of offenders has been devalued partly on the basis of effectiveness studies and partly on the basis of the primary goal of treatment was the modification of the offender's personality. This article by Gloria Cunningham questions both the effectiveness of effectiveness studies and the need to define "treatment" in such narrow terms. The role of the probation officer is re-examined in the light of evolving views of social work intervention which validate the importance of the broader range of helping services typical of probation supervision.

All the articles appearing in this magazine are regarded as appropriate expressions of ideas worthy of thought but their publication is not to be taken as an endorsement by the editors or the federal probation office of the views set forth. The editors may or may not agree with the articles appearing in the magazine, but believe them in any case to be deserving of consideration.

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Social Work and Criminal Justice: New Dimensions in Practice

BY GLORIA CUNNINGHAM, PH.D.

Assistant Professor, School of Social Work, Loyola University of Chicago

AT A WORKSHOP several years ago a respected colleague with over 40 years of practice in the field of juvenile justice confided to the rest of the participants that among the benefits of becoming a senior citizen was knowing what "new" approaches were worth getting excited about and which were simply old ideas being rediscovered by a new generation. There is, indeed, a depressing regularity about the cyclical quality of alternating philosophies of rehabilitation and control in criminal justice as succeeding generations of helping professionals become disenchanted with one approach or another having failed to take into consideration the inherent vulnerability of any argument concerning something as poorly understood as human behavior. In frustration we are inclined to look for someone or something to blame for our failure to predict with accuracy how thousands of unique individuals in unique environments will respond to our helping effort. Sometimes we blame the clients and declare them "untreatable." We blame our theoretical forebearers; Freud, Skinner, or Mary Richmond or our methodologies. Most often we blame one another for not having all the right answers, and our professional name-calling makes us vulnerable to attacks by others, especially in the light of the escalating competition for dwindling funding resources. Frequently concern for the client and the community get lost in the midst of these polemical discussions and everyone is the

loser. It would be a genuine mark of professional maturity if criminal justice practitioners could acknowledge openly what we know to be the truth; that people can be helped in a variety of ways, that no one approach will work with everyone, nor will any one approach work with the same person every time.

For some time now direct counseling efforts have been the methodological scapegoats in criminal justice for their failure to deliver what they promised 20 or 30 years ago in terms of altering the course of criminal careers. There is no question that social workers and other mental health practitioners naively promised too much, but the claims that casework is a "dead-end" as far as criminal justice is concerned or that psychotherapy in general is "ineffective" can be challenged. Some of the points to be made in this article are: First, that arguments about effectiveness are sometimes political and not accurate reflections of the services being offered; second, that some of the problems we experienced in applying counseling techniques to criminal justice clients were the result of narrow and unselective application of treatment models which did not take into consideration the profound treatment significance of many of the routine interventions of probation officers; and finally to make the point that counseling approaches with individuals and families have not remained static but have evolved in ways which make them more relevant to a

wider range of clientele. There is much in these contemporary approaches to social treatment that is consistent with evolving views of community-based corrections.

How Effective Are Effectiveness Studies?

Most of the claims for the ineffectiveness of psychotherapy and one-to-one counseling originated in Esynick's studies published in 1959 and 1965. Esynick's pronouncements about the ineffectiveness of conventional psychotherapy have assumed the status of the graven tablets of Moses in spite of the fact that Esynick has been challenged on the basis of his methodology, his scholarship and his conclusions. For example, Esynick's first report was based on only four studies of psychotherapy when 30 were available, many of which indicated effectiveness.¹ By 1964 there had been at least 70 control studies on the effects of psychotherapy, but again Esynick's 1965 conclusions were based on a small unrepresentative example of the available evidence. Meltzoff and Kornreich comment, "the widespread myth that controlled, evaluative studies have not been done has been passed along to those of us who relied upon Esynick's reviews but did not ourselves examine the literature in depth. It had become almost customary for researchers and reviewers alike to introduce their papers with the erroneous observation that few studies on the effectiveness of psychotherapy exist."²

Meltzoff and Kornreich conducted their own review of 101 studies on the effectiveness of psychotherapy. They concluded on the basis of their review that the weight of experimental evidence is sufficient to enable them to reject the null hypothesis that psychotherapy is ineffective. Far more often than not, psychotherapy of a wide variety of types and with a broad range of disorders has been demonstrated under controlled conditions to be accompanied by positive changes in adjustment that significantly exceed those that can be accounted for by the passage of time alone. In addition they found that the more carefully controlled the study, that is, the more sophisticated the research methodology, the more likely the study was to demonstrate the effectiveness of psychotherapy.³

It is important at this point to make clear that this is not an argument for psychotherapy or

intensive treatment of all criminal justice clients, nor is it a denial of the fact that treatment often is ineffective and even destructive. The point is being made that the polemical discussions about what approach to helping works or does not work are often waged without any serious consideration into the validity of the arguments or the actual relevance of the method to the clients involved. Academic careers are often built on the basis of such publicized debates. Academic institutions and other service organizations are frequently dependent financially on the grant research money, and the eventual findings of the research are often immaterial. The politics of funding are such that the funding resources are much more anxious to make money available to constituencies with more clout than helping professionals have, and to claim that a particular group "has failed to demonstrate their effectiveness" is a handy excuse, valid or not, to redistribute the funds in other ways. Wilks and Martinson refer to the way in which findings of their study on the effectiveness of incarceration were used to support arguments for mandatory sentencing in spite of their findings that offenders placed on probation almost inevitably perform better relative to recidivism than do those of similar background and criminal history who are placed in prison.⁴

We are also becoming more aware of the fact that many of the effectiveness studies reflected not so much the ineffectiveness of casework or psychotherapy as it did the ineffectiveness of the research methodology to measure such variables. There are many areas of specialization within research, and researchers trained in survey, evaluation, and other forms of research dealing with aggregate data are often not knowledgeable about some of the special problems involved in conducting research on clinical treatment models.

Understanding "Real Treatment"

In the past, "treatment" of the criminal offender tended to be viewed undimensionally with little recognition of the reality that no one model will be equally relevant to all types of correctional clients. In addition, the nature of criminal justice practice is such that we are often involved in long-term relationships with our clients and that unique adaptations of existing models must be made in order to accommodate to this fact and other realities of correctional practice. For example, long-term or intensive clinically oriented treatment may be relevant to a relatively small

¹ J. Meltzoff and M. Kornreich, *Research in Psychotherapy*. New York: Atherton Press, 1970, p. 973.

² *Ibid.*, p. 74.

³ *Ibid.*, p. 100.

⁴ J. Wilks and R. Martinson, "Is the Treatment of Criminal Offenders Really Necessary?" *FEDERAL PROBATION* 40:1, p. 3.

portion of offenders. It may be most relevant early in our contact with them or at points of crisis, but we know from experience that long-term intensive clinically oriented counseling geared toward personality restructuring is neither relevant nor necessary with the *majority* of our clients. By the same token, although we can derive much that is useful from short-term treatment models, the nature of our extended relationship with probationers and parolees means certain adaptations must be made in short-term treatment models.

An unfortunate side effect of a too narrow view of "treatment" is the fact that probation officers are prevented from recognizing the value of what they do, those tasks that are not included within more traditional definitions of counseling or therapy. Narrow methodological adherence promotes the idea that anything less than long-term, intensive counseling oriented to achieve personality restructuring is second best or "band-aid" help. Because this clinical model was upheld as a *sine qua non* of professional practice, we do not value the important, significant and highly skilled work we do with people in other ways. We depreciate our high level performance in the difficult tasks of working effectively with a client's environment to promote a more receptive milieu that helps modify destructive behavior. We are led to believe that anything short-term, reality oriented, or concerned with concrete services and environmental intervention is somehow not "real treatment." It is important to understand that "real treatment" is a status game that professionals play with one another. It has very little to do with actual, significant help to people in need. Real treatment can be understood as any kind of purposeful intervention rendered within the context of an ethically bound professional relationship and directed toward aiding the client in easing some problematic aspect of his or her functioning. The "realness" of the treatment should not be based on the extent to which it adheres to a particular theoretical framework or how much other professionals are impressed by the technique. A more rational basis for evaluation is in terms of the extent to which it is appropriate to the client and the particular case situation. Is it meeting some real need? Is it likely to produce some real change in the situation for the better? Can the client and other people involved make some real use of the help you are offering?

Some of the narrower treatment methodologies

assumed that the individual client was inevitably the target of change. Whether or not one talked in terms of short-term or long-term treatments or intensive or nonintensive psychotherapy the basic assumption was the person who needed changing was the client. Practice wisdom tells us that this is not always the case. Sometimes the most realistic target for change is a significant person in the client's environment. Sometimes it is the family system or the larger society which has denied resources and opportunities to the client to fulfill necessary role expectations. Sometimes it is, indeed, the client who must change, but our knowledge of the situation tells us that change can be induced more readily if changes in other systems occur first. The relevance of this point is that the adjustment of the individual can be enhanced by intervention in a variety of ways, and that no one single technique is necessarily more likely than another to produce more positive social functioning. Periodic interviews with a client's wife may be much more effective than long-term intensive interviews with the client himself. Using your clout to relieve a client of a dunning creditor may be more significant than helping the client ventilate his anger and rage over the experience. We are not talking in either/or terms. We are saying that no technique is inherently better than any other technique, or is a more "real" form of treatment, and that the final decision rests on the basis of the professional judgment of the practitioner who bases his decision in turn on an indepth knowledge of the client, his situation, and the interventive alternatives available. Many probation officers have conducted their practice in this way for many years, and for them there is nothing new in such a point of view. What may be new is the acknowledgement that this represents the highest form of professional service, one which involves a myriad assortment of skills, knowledge and expertise.

Social Work Insight for Criminal Justice

In spite of the scapegoating role social work has assumed in recent years it still has much to offer the criminal justice practitioner and client including the broadened perspective on direct treatment outlined above. Some of these insights represent discoveries of old truths rather than new knowledge. Application of new concepts arising from systems theory has helped social work clarify the significance and implications of its

long-term traditional focus on the "person-in-the-environment" and the nature of the interaction between the two, a focus, incidentally, particularly relevant to criminal justice practice. Social workers are also developing techniques of assessment and intervention focused on current functioning and ongoing social interaction rather than on psychosexual and early childhood development. They are redefining their professional activity in terms of the multiple forms of activities they perform with a wide range of clients in many different types of service settings, activities which include but which are in no way limited to direct counseling with individuals around psychological and personality problems. A typical listing of such role behaviors includes professional tasks involving advocacy and brokerage functions in addition to those of therapist, counselor, and teacher.

The role of the advocate is a familiar one to probation officers, and it is likely that the advocate role is assumed more frequently in behalf of a client outside of rather than in the courtroom. Probation officers must frequently act as an advocate with employers, with family and neighbors, with public welfare agencies, or investigative agents, "pleading the cause" for clients who lack the skill, opportunity or the influence to do so for themselves. Advocacy assumes a broad and sophisticated attitude toward assessment or "diagnosis" that recognizes from the outset that some of the options for bringing about change in a situation lie in the environmental systems impinging on the client. It further assumes a complicated array of skills and knowledge in dealing with many different kinds of individuals, groups and organizations in ways that will enhance rather than alienate their interaction with the probationer.

Brokerage functions are also familiar to probation staff and there is one school of thought that suggests this is the only real function probation officers should render, the linking up of the client with community based agencies that can do the therapy, the counseling, the employment placement, and all the other types of services probationers and parolees need. The experienced practitioner knows that this is a very involved and time-consuming function, one which requires much more than developing a list of agency names and telephone numbers which can be handed over to the client. If this is all there was to it a part-time clerk could do the job. *Effective*

brokerage services mean knowing both the client and the community resources very well. It means constant surveillance of these resources to keep up-to-date on policy and personnel changes, shifts in service philosophy, special programs, and how individual staff are going to receive and follow through with the correctional client. It often means a massive education task with community resources to preclude their overt or passive rejection of clients simply on the basis of their being offenders (and therefore psychopaths and therefore untreatable). Effective brokering also requires a sensitive awareness of the particular stresses and strains the client and family may be experiencing relative to a referral to another resource, and the skill to use this understanding to maximize the chances that the referral will "take." Finally, it means sticking with the client to see what does happen and if a first referral falls apart, to hang in there until the need is met in some way. This is a valuable service, indeed, but whether it is the only one that probation officers should offer seems unrealistic given the practice reality.

By using some of the skills mentioned above, the probation officer can greatly increase the probability that the client will receive needed services from those community based resources best equipped to provide them, and this is a most efficient use of everyone's time and money. The reality is, however, that there are many communities lacking the needed resources. If the resources exist they may be poorly run, inadequately staffed or funded, just generally incompetent or reluctant to include offenders in their client group. Even when adequate services exist the client may be unwilling or unable to make the best use of them. In those situations it is not acceptable to just throw up one's hands and give up. Probation officers have the responsibility to do what they can within the limits of their skill and what the client is willing to accept to remedy the situation in some way. If the local family service agency has a 3-month waiting list it is unrealistic to ignore the current marital pressures a client is experiencing if the probation officer has the skill to intervene in a situation to prevent it from escalating or to bring about some positive improvement. A timely, short-term intervention by a probation officer who has already developed a trust relationship and who has demonstrated consistent interest and concern may be far more potent than a new relationship with an unknown

counselor no matter how skilled that person may be.

In addition we must keep in mind the significance of the probation and parole officer as a "teacher" or educator. Some of our clients come from backgrounds in which they had not had the opportunity to understand the expectations of normal role behavior. It is difficult for a young adult to perform adequately in the role of worker if no one in his family has ever been employed in a well-paying, steady, secure job for a long period of time. It is difficult for individuals who have themselves never experienced a stable family life or mature nonpunitive parenting to know what is required in the establishment of a marital relationship and the rearing of children. It is difficult for any individual to make a transition from an institutional life with its unique set of role behavior and interpersonal transactions to have to learn or relearn different modes of behavior in the free community.

A recent development in criminal justice which has confused practitioners as to their counseling role with clients has been the increasing emphasis on civil rights of offenders and some question as to whether or not we have the right to do anything other than provide control and surveillance. Clearly there are politics involved in that debate also, but as professionals there are certain ethical and value positions that must be explicated. Many of the abuses of clients' rights as far as "treatment" was concerned occurred because helping professionals assumed that all offender clients were psychiatrically disabled patients. It was assumed further that because of their offender status and the presumed threat to the larger community they were a captive clientele and could be subjected voluntarily or not to any effort on the part of helping professionals intended to "make them well" or protect the community. The fact is that being an offender is a legal definition and not a psychiatric diagnosis. The offender group is probably much more like the population as a whole than most people are willing to acknowledge, if self report studies of crime and delinquency are any indication. Our pragmatic experience tells us that those factors that determine when and how a person first becomes labelled as deviant and is processed through the criminal justice system have little or nothing to do with the innate psychological makeup of the individual involved.

But criminal justice clients are human beings

and they function in a real and problematic world. They, like all of us, will have ongoing problems in social functioning. They experience the predictable traumas of adolescence, marriage, ill health, aging, and a range of other kinds of crises that occur in the life of most of us. In addition they will have to deal with other types of problems of interaction with their environment because they are probationers or parolees. We have the skills to enhance their ability to cope with these problems more effectively and to help moderate, relieve some of the stresses of the environment by intervening with family, employer, mental health or welfare agencies and other significant institutions as described above. We have the professional training, the experience and the skill to assist clients in more effective problem-solving generally, to direct them to more effective styles of living, and to provide linkages for them with resources in the community that can help them live more satisfying lives. To refuse to offer these services to offender clients in the name of their "civil rights" seems a very perverse, cynical and unrealistic view of the total situation.

We do have to be clear about rights' violations. We do not impose our helping efforts on someone who clearly sees no need, will not benefit or refuses to cooperate in these efforts. We do have a responsibility, however, to interpret to all clients the availability of such services, our skills in helping them to negotiate ordinary and extraordinary developmental or life stage problems, and our conviction, when it exists, that we can make a significant and positive impact on their lives by so doing. We have, in short, the right to "sell" our skills to clients. This does involve the conviction, however, that we do have an important function to perform, that rights will be protected in the process and that the services we have to offer are professional, effective and of real worth.

The message is that we have to develop an accurate perception of what probation and parole services have to offer offenders and their communities, and the skills to document and communicate these perceptions to one another, to clients, to administrators and to funding sources. How we define our services need not be methodologically respectable or "fashionable" as long as we render it responsibly with due recognition of client rights and assume as part of our professional responsibility our ongoing, unbiased and

nonpolitical assessment of its effectiveness. It is often suggested that helping professionals avoid evaluations of effectiveness out of fear of having their inadequacies exposed; however, there is evidence to suggest that rational, well-designed studies may turn out to be our ace in the hole.

END