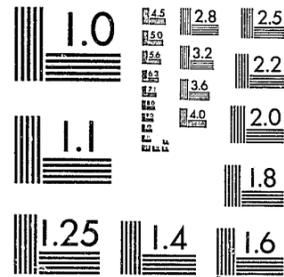


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# Federal Probation

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# Federal Probation

A JOURNAL OF CORRECTIONAL PHILOSOPHY AND PRACTICE

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## This Issue in Brief

**Can Corrections Be Rehabilitated?**—During the last 30 years much progress has been made toward dissolving the barriers of hostility that generated violence and distrust between correctional staffs and prisoners. Because of forthcoming budgetary stringencies, rapidly increasing populations, and a vast increase in the level and frequency of violence, much of that progress is in danger of reversal. Author John Conrad feels it is urgently necessary to reduce prison intake by making maximum use of community-based corrections. He proposes a new model of sanctions that will be more severe than the present community corrections without resort to incarceration.

**"It Only Gets Worse When It's Better."**—This article by W. Clifford of the Australian Institute of Criminology, and the following article by Professor López-Rey of Cambridge, England, present two differing perspectives on world corrections. Mr. Clifford states that in the past 10 years regimes have changed or been overthrown, ideologies have been transformed, but corrections throughout the world has not changed all that much. Some of the older and outdated systems are yet 10 years more behind the times. In fact, he adds, corrections in its old form has a remarkable facility for surviving all kinds of revolutions and looking much the same afterwards.

**Crime, Criminal Justice, and Criminology: An Inventory.**—This article by Professor Manuel López-Rey attempts to demonstrate that crime is not an ensemble of behavioral problems but a sociopolitical phenomenon, that criminology should overcome excessive professional aims, and that criminal justice is increasingly unable everywhere to cope with the problem of crime, even within the limits of common crime.

**Adopting National Standards for Correctional Reform.**—The concept of correctional accreditation, according to Dale Sechrest and Ernest Reimer, is built on the foundation of humanitarian

reform of prison conditions through the application of standards of performance. A Commission on Accreditation for Corrections was formed in 1974. The Commission, using trained professionals, has accredited over 250 correctional agencies including 80 prisons, having a total involvement of over 500 correctional facilities and programs of all types.

**Volunteers in Criminal Justice: How Effective?**—The acceptance or rejection of the use of volunteers in justice settings has been based primarily on personal belief rather than on sound empirical evidence, assert authors Sigler and

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Leenhouts. While many volunteer programs have been evaluated, the results are questionable because of methodological errors. Two methodologically correct professional evaluations have indicated that volunteers are successful in working with justice system clients.

**Volunteers in Corrections: Do They Make a Meaningful Contribution?**—This article by Peter C. Kratcoski examines the roles of volunteers in corrections in the past, the advantages and problems associated with using volunteers in a correctional setting, correctional agency administrators' and staff members' attitudes toward them, and the motivations and satisfactions of the volunteers. The findings of a study of the characteristics and motivations of a national sample of volunteers in probation are reported.

**A Delphi Assessment of the Effects of a Declining Economy on Crime and the Criminal Justice System.**—The research discussed in Professor Kevin Wright's article utilized the Delphi method of forecasting in order to obtain an initial and expedient answer to the question of what effect economic adversity will have on the incidence of crime and on the criminal justice system. Certain types of crime are expected to increase; however, an uncontrolled outbreak of crime is not predicted. Specific economic factors are identified as the primary producers of fluctuations in the incidence of crime. Some elements of the criminal justice system are expected to be burdened by economic decline.

**Presumptive Parole Dates: The Federal Approach.**—The procedure adopted by the United States Parole Commission to avoid unnecessary indeterminacy in making its determinations relative to prison confinement, while at the same time allowing for consideration of significant

changes in circumstances, is the focus of this article by Drs. Barbara Stone-Meierhoefer and Peter Hoffman. The presumptive parole date procedure implemented by the Parole Commission is described, and its relationship to the Commission's system of explicit guidelines for parole decision-making is discussed.

**Court—Prosecutor—Probation Officer: When Is Discretion Disparity in the Criminal Justice System?**—There is not yet in America any clear, consistent, rational policy regarding whether to pursue a correctional philosophy of rehabilitation or one of retribution. Former emphasis on treatment is being replaced by emphasis on punishment and uniformity of sentence. Supervising Probation Officer Robert L. Thomas believes traditional definitions of discretion and disparity are being prostituted to cover up the belated realization that after-the-fact solutions to crime do not work. What is really needed, he insists, is more realistic alternatives to traditional dispositions and a clearer understanding of who should or should not go to prison.

**Rekindling the Flame.**—The syndrome of burn-out is a symptom of the crisis presently affecting the social service professions, asserts James O. Smith of the Pennsylvania Board of Probation and Parole. As such, the phenomenon presents both the danger of poorer quality services and, paradoxically, the opportunity for enhancement of services. Using as a general framework Maslow's hierarchy of human needs, this article maintains that through the medium of a comprehensive, in-service training program an organization can positively affect the "esteem needs" of its staff. The outcome of this relationship, as it is suggested, is higher quality service with less staff burnout.

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.

# "It Only Gets Worse When It's Better"

## A Brief Review of World Corrections in the 1980's

BY W. CLIFFORD

*Director, Australian Institute of Criminology*

AS A THEME for corrections in a world perspective, one could do a lot worse than adopt the comment once made by a black inmate to Raymond K. Procnier, director of the California Department of Corrections: "It only gets worse when it's better." There is a depth of meaning to this which Procnier explained when he reported the comment to the U.S. National Conference on Corrections held in Williamsburg in December 1971. In the 5 previous years the California correctional system had been immensely improved; the prison population had been reduced by 8,000, double celling had been eliminated, and over 20,000 3-day passes were now normal—to mention a few of the improvements. Yet nine prison employees had been murdered in the previous 2 years as compared with only four in the 17 years before that. Strife was rampant in the institutions which were once the pride of the State and public criticism of both permissiveness and severity had increased.

Ten years have passed, regimes have changed or been overthrown, ideologies have been transformed, but corrections throughout the world has not changed all that much. Some of the older and outdated systems are yet 10 years more behind the times. In fact, corrections in its old form has a remarkable facility for surviving all kinds of revolutions and looking much the same afterwards. And across the world it still seems to get worse when it gets better. I can still remember as one of four international experts invited to Williamsburg in 1971 feeling slightly embarrassed at the extent and the vehemence of the United States breast beating at that Conference. It seemed that nothing bad enough could be said about corrections in the United States. Certainly there had been scandals, repression, discrimination and some institutions badly needed updating; but the best and the worst of nearly anything can be found within the 50 States. As outsiders we had firsthand knowledge of much worse systems widespread across the world that were occasioning no shame or recrimination—many of which had drawn initial inspiration from United States models. If poverty

and morals are relative, so are prison standards and the levels of freedom and justice. So we could see at Williamsburg that dissatisfaction was relative, being generated as much by the lack of a social consensus and rising expectations outside the prisons in the United States and Europe as by any proven injustice within.

On any correctional map of the world the turmoil and discontent in prisons generally peaks in those areas where conditions have been improved, where rights have been respected and where there are ample provisions for the personal development of both inmates and staff. The "peaceful" valleys are often to be found where accommodation is poor, prison populations large, programmes are inadequate or nonexistent and where the quality of staff leaves much to be desired. This is not always true: There are some notable exceptions like Hong Kong and Japan, where improvements have certainly not disturbed the traditional tranquility of the correctional systems. But such exceptions merely underline the rule.

There are countries where the conditions for prisoners are atrocious but where riots are unknown and attacks on staff would be unthinkable. There are still places where maximum security prisoners are shackled and inadequately fed as a matter of policy; but there are no committees agitating for reform or organising claims for compensation. Repressive regimes rarely have prison problems and there were no collective challenges to authority in concentration camps even when inmates were being processed for the gas ovens. In one Communist country where I was allowed to visit the prisons as a U.N. official, I had a "lifer" obediently explain to me how much he enjoyed his detention by such understanding guards. We do not hear of prison riots in South Africa, where most of the correctional staff are black and where a U.N. adviser reported to me that the U.N. Standard Minimum Rules are displayed in the institutions he visited. The Thai Department of Corrections has more problems with its foreign inmates (to whom it grants concessions so that they are not submitted to the low local levels of in-

carceration) than it has with its own nationals whose families are required to supplement the frugal prison fare. The foreigners usually have diplomatic and/or legal representation and can get messages to the press. In other words, their conditions are better and prison staff find it worse. Nor should we glide too quickly over the lack of protest from the inmates or their families and friends in countries which have returned to—or still apply—the strict *hadd* punishments of the Koran. Hand chopping and public execution are accepted as necessary in those Islamic societies.

In Africa and Asia many developing countries have to try to recover the costs of imprisonment from the labour of the inmates. They are used on public works or development projects, they run farms and help to build their own institutions. There is no public or union challenge to this use of prison labour even where there is massive urban unemployment. The problem is often to ensure that, with guaranteed shelter and clothing, food and recreation, the prisoners do not fare better than the poor, law abiding, people outside who struggle to subsist. In many countries and especially in the Latin American region, there are more persons detained awaiting either trial or sentence than there are prisoners actually sentenced. In such countries it is not unusual for a person to have already been in prison when he is sentenced for a period exceeding the sentence which he is awarded. In Sri Lanka, where there is a disproportionate tendency to remand accused persons in custody, open institutions have been set up for persons remanded in custody—thus demonstrating, *inter alia*, that they could have been bailed. On the other hand, the fact that there are so many people in the Mexican prisons not really subject to all the restrictions which apply to convicted and sentenced offenders has encouraged that country to experiment with ways of allowing such inmates to organize their own trades and professions for the benefit of themselves and the institutions. In Costa Rica, when a few years ago they still had prisoners kept on an island off the coast (which has now become a tourist island) they permitted the prisoners to move freely about, live in individual huts, and to organize markets for sundry visitors from the mainland for the sale of their own handicrafts.

Everywhere across the world cultural values and social habits condition the relations between inmates and staff. In Japan a prisoner bows to the

judge when he receives his sentence and in prison he respects the authority of warders. If they are not gangsters enhancing their reputations by imprisonment, prisoners are likely to be ostracised by the families or communities they have shamed by their offence. In Papua New Guinea, imprisonment is considered no answer to the need to "pay-back" the offender and he may have trouble with the relatives of the victim on release if he does not make amends by providing service or compensation. In Tonga, prisons and imprisonment for the islanders do not carry the stigma associated with them in the West, so that an "ex-prisoners club" is flourishing. It is not used for reform or to attack the system, but to raise funds for better accommodation or recreational facilities for the inmates. In Fiji unarmed warders supervise outside working parties of husky prisoners equipped with "machetes" to cut down the undergrowth. In the Philippines, the prisons are recognised for their contributions to blood banks. An average of 2,000 bottles of blood have been given yearly by the inmates, 21 of whom have donated kidneys. Just as Japanese prisons have become economically viable and productive centres of industry with the latest factory equipment, so the Philippine prisons have developed huge plantations growing bananas and abaca for export. In Taiwan the prisoners are indoctrinated with the thought of Sun Yat Sen to match the indoctrination with the thoughts of Mao, which used to characterise prisons on the Chinese mainland. In Indonesia in the early 1960's Dr. Sahardjo set a pattern for independence by calling prisoners *tersesat* (i.e., those who have made a slip) instead of *penjahat* (i.e., criminals). This means they are regarded as people capable of repenting. They now come under the *Sistem Pemasarakatan*, which concentrates more on treatment than on punishment or retribution. This policy is conveyed to the new inmate during orientation which includes lectures on the national ideology and the morality of *Pancasila*. The Director-General of Corrections in Indonesia, Mr. Ibnu Susanto, has written:

In practice there is little chance for a prisoner to regress because he can always address himself to his adviser or counsellor. The latter is a member of the correctional staff whose task is to guide and supervise one or several prisoners all the way till their release on parole or unconditional (final) release. The fact that the adviser also sits in the Council of Treatment and Guidance is a further guarantee of the prisoner's progress and positive response to the treatment.<sup>1</sup>

Another common feature of correctional systems across the world is that, with the possible exception of Islamic punishments, they are based on Western models. At a time when United States and

European experts were instituting prison reforms based on the "penitentiary" borrowed from the incarceration of recalcitrant monks in Italy or on the Auburn system or when the Quakers were campaigning for more liberal approaches, the colonial systems were busy erecting, in the new colonies, blueprint versions of the prison buildings in the West. Often these were totally inappropriate for native peoples accustomed to dealing with offenders by compensation but they prevailed. Even countries that were never colonised like Thailand and Japan, eventually remodelled their own systems on Western lines, since at that time it seemed that all power and wisdom flowed from the industrialised nations. So many countries now awaking in Asia, Africa, and Latin America to the potential for new approaches to corrections in their own prevailing community and family cohesion, are hampered by prison services inherited from colonial days or adopted during the 19th century imitations of the West. It is true that they have often adapted these to their own requirements so that however similar they may appear from the outside, they differ within. This is shown by the extensive discretion vested in public prosecutors in Japan or that country's use of 60,000 volunteers to run the probation system, by the use of amnesty rather than parole to clear the prisons in Thailand, by the Tanzanian introduction of mandatory corporal punishment following independence, by the way Papua New Guinea has enacted a modern statute against sorcery and incorporated customary law and customary penalties into its national system of criminal justice. Still the Western patterns have a strong influence and even correctional workers trained abroad tend to bring overseas conflicts to their own country for resolution rather than to find new approaches based on local needs and priorities. There are signs of this changing as these other regions become disillusioned with the ineffectiveness of Western measures for dealing with serious crime, but change is slow.

The communist countries are a special case, because they have been less willing to expose their correctional systems to Western scrutiny. It seems clear, however, that their basic principles of corrections lead to institutions like those in continental Europe from which area they adopted their prerevolutionary legal and correctional systems. The criminal justice systems are designed to serve political purposes, but they generally end up after

the turmoil of the revolution with judges, prosecutors, police, and prisons that are familiar. Often they are still using the old prison buildings. There was once a fascination in the West for the Russian type of re-educational centres (especially for problem juveniles) and for labour camps rather than prisons. These days there is a great deal of suspicion of such euphemisms when it is known that "treatment" may imply commitment to a mental institution for the dissident or that "re-education" may mean conditioning of a type which would undermine individual integrity. Indeed the fact that in a Marxist world there are no social problems—only educational and health problems—leads to concern for human rights. There are no social problems, so that a person who is mal-adjusted to the system of socialism must be either in need of education or medical treatment. This can have horrendous implications for intellectuals who criticise the system or break laws enjoining loyalty to the party. Technically offenders, they may be subjected to various forms of "behaviour modification." Maybe Western concern is exaggerated—informed as it is with accounts of life in the gulags. Perhaps, in general, their systems operate like ours with conventional offenders. We do not know much, however, because the details are not often made public.

Clearly reform and revolt are historically linked. The fact that it gets worse when it gets better is behind most revolutions. People cannot really organise or mobilise for revolt as long as they are scrambling for subsistence or totally repressed. When the yoke is eased and they have more freedom to manoeuvre, they are able to give more trouble to the privileged or superior. This is what happened with the French and Russian revolutions and it is typical of prison upheavals. Russell G. Oswald, Commissioner of Correctional Services for the State of New York, was already making reforms when the Attica riots erupted. Just a week before it happened, he wrote about a tape-recorded message he had had played to all prisoners at Attica:

My recorded voice reported the reforms we were making everywhere in the State. . . .<sup>2</sup>

Of course, this is not argument for withholding reforms or refraining from needed liberalisation to avoid trouble. It is impossible to condone repression or harsh conditions so that improvements cannot be deferred because they involve disruption. It is merely to provide another reminder that freedom has a cost—it involves risk and is never really achieved without disturbance. The only reason Russia has more trouble now with its

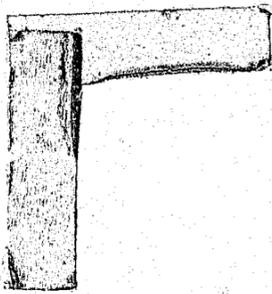
<sup>1</sup>Ibnu Susanto, "Shifting the Climax," Chapter on Indonesia in W. Clifford (compiler) *Corrections in Asia and the Pacific*, edited Peter Kay and Tim Isles for the Australian Institute of Criminology: Australian Institute for Criminology: 1980, p. 149.

<sup>2</sup>Russell G. Oswald, *Attica — My Story*, edited by Rodney Campbell. New York: Doubleday and Co., Inc., 1972, p. 210.

dissidents than in the Stalin era is that however totalitarian it still is, it is more liberal than he used to be. China quickly discovered that when it loosened the bonds after the death of Mao tse Tung, it had more trouble with people, more adventurism—even more crime. Where correctional systems across the world are quiet, but uncomfortable for inmates, it may be that there is acceptance because it is only physical discomfort—discontent is not rife. Feelings of injustice have not been engendered and few prisoners feel themselves to be political prisoners or victims of the system. The resignation may be philosophical or traditional—an outgrowth of generations of pacifist Buddhism or Hindu fatalism or else a consequence of the ingrained habit of conforming to authority in a hierarchical society. On the other hand, the silence may not be either acceptance or resignation but a result of stifling repression, exclusion from contact with society, isolation from the media, restriction of movement to a single room or worse.

On such criteria, the disruption in Western correctional institutions is healthy. It is a testimony to the levels of freedom and facilities for normal

democratic mobility within the limits of the law governing corrections. The problem is to draw the line between this and the chaos in correctional administration which denotes an absence of policy, a failure to lead and an inability to handle challenges to authority. A measure of freedom may be necessary for disorder but disorder stifles freedom for the majority. Genuine protest may be a valuable agent of change. Calculated false or malicious protest can serve destruction for its own sake. So, if it must get worse when it gets better, let us at least ensure that the worse does not destroy the better. The Reign of Terror cancelled the benefits of the French Revolution. The loss of life at Attica was a large price to pay for the realization that political activism had gone too far. Corrections throughout the world needs discipline and industry to maintain morale and make prison life bearable for staff and inmates alike. A comparison of prison systems across the continents shows that humanity and compassion, trust and understanding are needed to leaven the lump of correctional responsibility—not to make it more unmanageable.



**END**