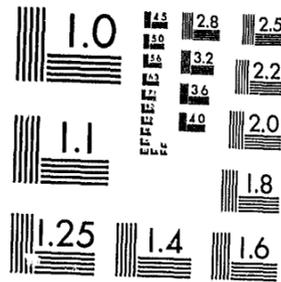


National Criminal Justice Reference Service



This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS-1963-A

Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504.

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U. S. Department of Justice.

National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

7/19/85

Federal Probation

- ✓ [The Evolution of Probation: The Historical Contributions of the Volunteer 9.5613 Charles Lindner
Margaret R. Savarese
- ✓ [Don't Throw the Parole Baby Out With the Justice Bath Water. 9.5614 Allen F. Breed
- ✓ [LEAA's Impact on a Nonurban County 9.5615 Robert Sigler
Rick Singleton
- ✓ [Developments in Shock Probation 9.5616 Gennaro F. Vito
- ✓ [Family Therapy and the Drug Using Offender 9.5617 David T. Mowatt
John M. VanDeusen
David Wilson
- ✓ [An Alternate Direction in Correctional Counseling ... 9.5618 Ronald M. Holmes
- ✓ [Services on a Shoestring 9.5619 (VRC) Robert M. Smith
- ✓ [Services in the Prisons 9.5620 James T. Ziegenfuss, Jr.
- ✓ [Assistance to Federal Prisoners 9.5621 Arthur R. Goussy
- ✓ [Six Years Later: The Legal Legacy 9.5622 Jay S. Albanese

95613-
95622

JUNE 1984

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

WILLIAM E. FOLEY
Director

JOSEPH F. SPANIOL, JR.
Deputy Director

DONALD L. CHAMLEE
Chief of Probation

EDITORIAL STAFF

LORENE LAKE
Probation Programs Specialist
Editor

MILLIE A. RABY
Editorial Secretary

ADVISORY COMMITTEE

- | | |
|--|---|
| WILLIAM E. AMOS, ED. D., Professor and Coordinator, Criminal Justice Programs, North Texas State University, Denton | BEN S. MEEKER, Chief Probation Officer (Retired), U.S. District Court for the Northern District of Illinois |
| RICHARD A. CHAPPELL, Former Chairman, U.S. Board of Parole, and Former Chief, Federal Probation System | LYOYD E. OHLIN, PH.D., Professor of Criminology, Harvard University Law School |
| ALVIN W. COHN, D. CRIM., President, Administration of Justice Services, Inc., Rockville, Md. | MILTON G. RECTOR, President Emeritus, National Council on Crime and Delinquency, Hackensack, N.J. |
| JOHN P. CONRAD, Visiting Fellow, The National Institute of Justice, Washington, D.C. | GEORGE J. REED, Commissioner (Retired), U.S. Parole Commission |
| BENJAMIN FRANK, PH.D., Chief of Research and Statistics (Retired), Federal Bureau of Prisons, and former Professor, Southern Illinois University and The American University | THORSTEN SELLIN, PH.D., Emeritus Professor of Sociology, University of Pennsylvania |
| DANIEL GLASER, PH.D., Professor of Sociology, University of Southern California | CHARLES E. SMITH, M.D., Professor of Psychiatry, The School of Medicine, University of North Carolina, Chapel Hill |
| PETER B. HOFFMAN, PH.D., Research Director, U.S. Parole Commission | MERRILL A. SMITH, Chief of Probation (Retired), Administrative Office of the U.S. Courts |
| | ROBERTS J. WRIGHT, Commissioner of Corrections (Retired), Westchester County, N.Y., and former Editor, American Journal of Correction |

Federal Probation is published by the Administrative Office of the United States Courts and is edited by the Probation Division of the Administrative Office.

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.

Manuscripts, editorial matters, books, and communications should be addressed to FEDERAL PROBATION, Administrative Office of the United States Courts, Washington, D.C. 20544. See inside back cover for information about manuscript preparation and submission.

Subscriptions may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at an annual rate of 9.00 (domestic) and \$11.25 (foreign). Single copies are available at \$3.50 (domestic) and \$4.40 (foreign).

Permission to quote is granted on condition that appropriate credit is given to the author and the Quarterly. Information regarding the reprinting of articles may be obtained by writing to the Editors.

FEDERAL PROBATION QUARTERLY
Administrative Office of the United States Courts, Washington, D.C. 20544

SECOND-CLASS POSTAGE PAID AT WASHINGTON, D.C.
Publication Number: USPS 356-210

Federal Probation

A JOURNAL OF CORRECTIONAL PHILOSOPHY AND PRACTICE

Published by the Administrative Office of the United States Courts

VOLUME XXXXVIII

JUNE 1984

NCJRS NUMBER 2

OCT 30 1984

This Issue in Brief

The Evolution of Probation: The Historical Contributions of the Volunteer.—In the second of a series of four articles on the evolution of probation, Lindner and Savarese trace the volunteer/professional conflict which emerged shortly after the birth of probation. The authors reveal that volunteers provided the courts with probation-like services even before the existence of statutory probation. Volunteers were also primarily responsible for the enactment of early probation laws. With the appointment of salaried officers, however, a movement towards professionalism emerged, signaling the end of volunteerism as a significant force in probation.

Don't throw the Parole Baby Out With the Justice Bath Water.—Allen Breed, former director of the National Institute of Corrections, reviews the question of parole abolition in light of the experience with determinate sentencing legislation in California, the current crisis of prison overcrowding, and the improvements that have been made in parole procedures in recent years. He concludes that the parole board—while it may currently not be politically fashionable—serves important "safety net" functions and retention of parole provides the fairest, most humane, and most cost-effective way of managing the convicted offender that is protective of public safety.

LEAA's Impact on a Nonurban County.—LEAA provided funds for the purpose of improving the justice system for 15 years. To date, relatively little effort has been made to evaluate the impact of LEAA on the delivery of justice. In this article, Professor Robert Sigler and Police Officer Rick Singleton evaluate the impact of LEAA funds on one nonurban county in Northwestern Alabama. Distribution of funds, retention and impact are assessed. While no attempt has been made to assess the dollar value of the change, the data indicate that the more than one million dollars spent in Lauderdale County did change the system.

Developments in Shock Probation.—Focusing on a widely used and frequently researched probation program, this paper by Professor Gennaro Vito examines research findings in an attempt to clearly identify the policy implications surrounding its continued use.

Family Therapy and the Drug-Using Offender: The Organization of Disability and Treatment in

CONTENTS	
The Evolution of Probation: The Historical Contributions of the Volunteer	Charles Lindner Margaret R. Savarese 3
Don't Throw the Parole Baby Out With the Justice Bath Water	Allen F. Breed 11
LEAA's Impact on a Nonurban County	Robert Sigler Rick Singleton 16
Developments in Shock Probation	Gennaro F. Vito 22
Family Therapy and the Drug Using Offender	David T. Mowatt John M. VanDeusen David Wilson 28
Toward an Alternate Direction in Correctional Counseling	Ronald M. Holmes 35
Victim Services on a Shoestring	Robert M. Smith 39
Medical Services in the Prison	James T. Ziegenfuss, Jr. 43
Legal Assistance to Federal Prisoners	Arthur R. Goussy 49
Love Canal Six Years Later: The Legal Legacy	Jay S. Albanese 53
Departments:	
News of the Future	59
Letters to the Editor	63
Reviews of Professional Periodicals	66
Your Bookshelf on Review	71
It Has Come to Our Attention	75

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by Federal Probation/Administrative Office of the U.S. Courts

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

a Criminal Justice Context.—The paper describes offenders' behaviors which exacerbate conflict between probation professionals to protect a fragile interpersonal situation within the offender's family. The mirroring of familial conflict by professionals leads to high rates of recidivism whereas the professional's ability to work collaboratively with the offender's family frequently enhances autonomy and more responsible behavior, assert the authors, David T. Mowatt, John M. VanDeusen, and David Wilson. Three modes of interaction characterizing the interface between probation professionals and the offenders' families are described.

Toward an Alternate Direction in Correctional Counseling.—While examining some of the problems in correctional counseling, e.g., authority, resistance to change, etc., this article calls for an alternative to traditional therapies. Dr. Ronald Holmes recognizes the need to move toward a model of counseling which reduces the importance of traditional therapeutic values and stresses the need for humane relationships. This model encourages an equal relationship between the counselor and the client, an examination of conscious determinants of behavior, and a belief in the client's ability to change.

Victim Services on a Shoestring.—The criminal justice system is currently demonstrating more concern about the victims of crime. Robert M. Smith, probation and parole officer for the State of Vermont, writes that although we in corrections oftentimes do not become involved with offenders until long after some crimes were committed, we still can play a significant role with regard to victims. Furthermore, some of these interventions do not require additional resources; rather, it is a matter of rethinking our own attitudes.

Medical Services in the Prisons: A Discriminatory Practice.—This article by Professor James T. Ziegenfuss reviews the provision of medical services in prisons and the growing involvement of the courts. Studies reported in the literature raise

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.

serious questions as to the quality and quantity of such care. Traditional approaches would suggest amelioration of the situation by providing more and better care. However, the consideration of alternatives to the present delivery system is examined in this article, as exemplified by the developing drug and alcohol treatment system. Importantly, the resolution of the problem is defined in terms of service system design and redesign. Additional needed research and analytical studies are identified.

Legal Assistance to Federal Prisoners.—Legal Aid Attorney Arthur R. Goussy describes the duties of the visiting attorney to the Federal Correctional Institution, Milan, Michigan from February through October 1981. Commencing in April, a total of 136 interviews were conducted with 126 inmates during visits taking a total of 71 hours. Prison authorities felt this service would assist inmates in: (1) pursuing their criminal cases; (2) coping with prison grievances; and (3) resolving private legal matters. This paper addresses, experientially, these problems and the merits of legal consultation.

Love Canal Six Years Later: The Legal Legacy.—It was August 1978 when the New York State Health Commissioner declared a health emergency at the Love Canal site on the outskirts of Niagara Falls, which ultimately led to the evacuation of nearly 1,000 families. For 5 years, Hooker Chemical and Plastics Corporation had used the 15-acre site to dump 21,800 tons of toxic chemicals until it sold the property to the Niagara School Board in 1953. Since 1978 the Justice Department has initiated a \$124.5 million lawsuit against Hooker and New York State has filed suits totalling \$835 million, charging Hooker with responsibility for the Love Canal disaster and other illegal dumping in the area. Issues remain, however, in the assessment of legal responsibility in this case. In this paper by Professor Jay Albanese questions of causation, prosecution, sentencing, and prevention are examined to illustrate the difficulty in doing justice in cases involving the scientific and legal issues raised by exposure to hazardous waste.

The Evolution of Probation

*The Historical Contributions of the Volunteer**

BY CHARLES LINDNER AND MARGARET R. SAVARESE**

AS MOST of us already know, probation was brought into existence in this country by a relatively small number of dedicated individuals, most of whom were volunteers. Of course, the very first name that comes to mind is that of John Augustus whose pioneering work in and around Boston during the mid-1800's earned for him the title, "father of probation." But there were other volunteers, both in Massachusetts and other jurisdictions such as New York and Chicago, who followed Augustus and who continued his work, still on a voluntary basis, winning acceptance for probation, in the process and, thus, laying the groundwork for passage of the first official probation laws.

Whereas volunteers had been the undisputed leaders and pioneers during the early stages of the evolution of probation, their role changed radically very shortly after the enactment of probation legislation. Almost inevitably, the advent of publicly paid professional probation officers led to an eventual diminution of both the volunteers' functions and status within the system. In most jurisdictions, a consistent pattern emerged following the creation of a formal, official probation system; as paid probation officers were hired, increased in numbers, and became professionalized, they often concentrated their organizational efforts on the removal of volunteers from the system or, at the very least, on severely limiting the role and functions of volunteers.

In New York State, for example, the trend toward professionalism was evident during the first decade of statutory probation services and, in many instances, publicly paid probation officers were simply substituted for volunteers. Elsewhere, volunteers were subjected to supervision by professional, salaried probation officers, limited in the scope of their duties and responsibilities, and assigned reduced caseloads. Most importantly, a number of attacks on the quality of volunteer work served as a stigma and tarnished the credibility of volunteers as a whole. So

strong was the anti-volunteer feeling, as a result, that it would not be until the 1960's that a revival of volunteer services in probation would occur.

Whereas the contributions made by the early volunteers to the development of probation have received considerable attention, the later struggle between volunteers and professionals has been overlooked for the most part. This article is an attempt to explore the various roles played by volunteers at different stages in the evolution of probation culminating in the volunteer/professional conflict and the eventual outcome of that struggle.

THE ROLE OF VOLUNTEERS PRIOR TO THE PASSAGE OF PROBATION LEGISLATION

The years prior to the passage of the statutes legally authorizing probation and the appointment of probation officers could very well be called the "golden years" of voluntary probation services for it was during this period of time that volunteers played their most prominent, fruitful role in both initiating and then developing probation until it became an accepted, well-established practice. Indeed, in many jurisdictions, long before probation received the official sanction of law, volunteers were active in the courts where they provided, on a strictly informal, unofficial basis, a type of assistance which would, much later, be recognized and accepted as the essential core of professional probation practice. The services provided by these early volunteers included both investigations of defendants and informal supervision, for although the courts lacked the ability, at this time, to place an offender under formal probation supervision, the combination of a suspended sentence plus informal supervision was often used as an alternative and served essentially the same purpose.

The Premier Volunteer

Of course, the first and foremost volunteer was John Augustus and his accomplishments in launching probation in this country overshadow the efforts of all other volunteers who labored during this period prior to the existence of a formal probation system. Appropriately credited with being the "father of probation," Augustus was the "first to invent a system, which he termed probation, of selection and supervi-

*This is the second in a series of four articles on the evolution of probation.

**Charles Lindner is associate professor, Department of Law, Police Science and Criminal Justice, John Jay College of Criminal Justice, New York City. Margaret R. Savarese is supervising probation officer, New York City Department of Probation, Bronx.

point providing a *holding environment* which protected the client from the homeostatic pull of the family of origin (Winnicott, 1965). This facilitated the client's grieving his own father's death and, consequently, the grieving of an isomorphic structure which had been kept alive in the family of origin since the father's death (Boszormenyi-Nagy and Spark, 1973). The grandmother experienced a brief psychotic episode at this time, and was hospitalized. The unfortunate occurrence provided an opportunity for mother and grandmother to resolve their own issues of separation and individuation, promulgating in the mother the capacity to be more committed to her marriage. The client began to empathize with the stepfather's plight, and was in some ways able to achieve a reparation with him through his experience as a stepfather in his own marriage. Resolution of the client's grief over his own father's death was followed by an increased awareness of his own need to be a father, and a capacity for more commitment in his marriage.

In this case, it may be seen that what had been a homeostatic family structure in which the client had assumed an *institutional identity*, evolved into a growing interpersonal system, consummated by the client himself becoming a father. This process exemplifies a condition of systemic, "second-order" change, to be distinguished from localized, "first-order" cessation of symptomatic behaviors (Watzlawick, Weakland and Fisch, 1974). We hope that the case illustrations offered here have shown how interventions aimed at the latter, which do not take into account the interpersonal context in which a disability has become seated, can be insufficient or even counterproductive.

Conclusion

In closing, we would caution that the aim of the present report has been to provide the reader with a sense of the plausibility of our conceptualization of certain modes in which disability and treatment can be organized in an institutional context. We recognize a need for further development and substantiation through formal research, and hope to report on the results of such studies in the future.

REFERENCES

- Ackerman, N., 1958, *The Psychodynamics of Family Life*. New York: Basic Books.
 Aponte, H. and VanDeusen, J., 1981, "Structural family therapy." In Gurman, A. and Kniskern, D. (eds.), *The Handbook of Family Therapy*. New York: Bruner/Mazel.
 Bateson, G., Jackson, D., Haley, J. and Weakland, J., 1956, "Toward a theory of schizophrenia." *Behavioral Science*, 1: 251-264.
 Boszormenyi-Nagy, I. and Spark, G., 1973, *Invisible Loyalties*. New York: Harper and Row.

- Bowen, M., 1960, "A family concept of schizophrenia." In Jackson, D. (ed.), *The Etiology of Schizophrenia*. New York: Basic Books.
 Bowen, M., 1966, "The use of family theory in clinical practice." *Comprehensive Psychiatry*, 7: 345-374.
 Bowen, M., 1974, "Alcoholism and the family." In Soixas, F., Cadoret, R. and Eggleston, S. (eds.), *The Person With Alcoholism*. Annals of the New York Academy of Sciences, 233: 115-122.
 Broyer, P. and Malafronte, D., 1982, "Promoting community involvement in deinstitutionalization planning: the experience of one community." *Hospital and Community Psychiatry*, 33(8): 654-657.
 Carter, B., 1977, "Generation after generation; the long-term treatment of an Irish family with widespread alcoholism over multiple generations." In Papp, P. (ed.), *Family Therapy: Full Length Case Studies*. New York: Gardner.
 Davis, D., Berenson, D., Steinglass, P. and Davis, S., 1974, "The adaptive consequences of drinking." *Psychiatry*, 37: 209-215.
 Engel, G., 1971, "Sudden and rapid death during psychological stress." *Annals of Internal Medicine*, 74: 771-782.
 Grindberg, Leon, 1979, "Projective counter-identification and countertransference." In Epstein, L. and Feiner, A. (eds.), *Countertransference*. New York: Jason Aronson.
 Haley, J., 1967, "Toward a theory of pathological systems." In Zuk, G. and Boszormenyi-Nagy, I. (eds.), *Family Therapy and Disturbed Families*. Palo Alto: Science and Behavior Books.
 Haley, J., 1981, *Leaving Home*. New York: McGraw-Hill.
 Illich, I., 1976, *Medical Nemeses: The Expropriation of Health*. New York: Pantheon.
 Kantor, D. and Lehr, W., 1975, *Inside the Family*. New York: Harper and Row.
 Laing, R., 1969, *The Politics of the Family and Other Essays*. New York: Pantheon.
 Minuchin, S., 1974, *Families and Family Therapy*. Cambridge: Harvard University Press.
 Minuchin, S., Rosman, B. and Baker, L., 1978, *Psychosomatic Families*. Cambridge: Harvard University Press.
 Mowatt, D., Heard, D., Steier, F., Stanton, M. and Todd, T., 1982, "Crisis resolution and the addiction cycle." In Stanton, M., Todd, T. and Associates, *The Family Therapy of Drug Abuse and Addiction*. New York: Guilford Press.
 Rothman, D., 1980, *Conscience and Convenience: The Asylum and Its Alternatives in Progressive America*. Boston: Little, Brown.
 Scheff, T., 1968, "Negotiating reality: notes on power in the assessment of responsibility." *Social Problems*, 16(1): 3-17.
 Schwartzman, J. and Bokos, P., 1979, "Methadone Maintenance: The Addict's Family Recreated." *International Journal of Family Therapy*, 1(4): 338-355.
 Stanton, A. and Schwartz, M., 1954, *The Mental Hospital*. New York: Basic Books.
 Stanton, M., Todd, T., Heard, D., Kirschner, S., Kleiman, J., Mowatt, D., Riley, P., Scott, S. and VanDeusen, J., 1978, "Herion addiction: a new conceptual model." *American Journal of Drug and Alcohol Abuse*, 5: 125-150.
 Stanton, M., Todd, T. and Associates, 1982, *The Family Therapy of Drug Abuse and Addiction*. New York: Guilford Press.
 VanDeusen, J. and Urquhart, P., 1982, "Facing retirement: working with elderly parents." In Stanton, M., Todd, T. and Associates, 1982, op. cit.
 Watzlawick, P., Weakland, J. and Fisch, R., 1974, *Change, Principles of Problem Formation and Problem Resolution*. New York: W.W. Norton.
 Winnicott, D., 1965, *The Family and Individual Development*. New York: Barnes and Noble.

Toward an Alternate Direction in Correctional Counseling

BY RONALD M. HOLMES, Ed.D.

School of Justice Administration, University of Louisville

COUNSELING in a correctional setting is a most difficult task. Usually the correctional facility is not especially conducive to voluntary cooperation or as an inducement for personal change in the direction of prosocial values. The correctional client often sees no difficulty in his life other than his present incarceration. In addition, the problem of authority inherent in the role of the correctional counselor has never been truly resolved (Hamilton, Smith and Berlin). Delving into the realm of the underlying factors which have resulted in his criminality is largely ignored because of practical considerations of the time and the place in addition to the lack of professional training of many correctional therapists. Too often the counseling session takes the form of asking predictable questions which elicit predictable answers. When the counselor hears from his client, "I am beginning to cope with my problems," he can be assured that the latter is apeing key words to impress the therapist. Such "in" words are often used by correctional clients, and the counselor is trapped into believing that rehabilitation is not only taking place but a great deal of credit must go to him because of his expertise as a therapist. As can be seen, games are played, and both are losers in the exchange.

Historically, correctional counseling has been mired in the medical model no doubt in part because of its close affiliation with the social work profession. Because of the philosophy of the medical model concerning rehabilitation, the correctional client is termed "sick." He is sick because he has violated society's norms and values as evident in the criminal act. After all, it is assumed that no "well" person will commit a crime.

The most fundamental requirement for further research on the effectiveness of prison and parole programs would seem to us to be a frank recognition that psychological treatment programs involve assumptions about the causes of crime, the informal and formal organization of the prison and parole, and the nature of the post-release experience, all of which may be quite unrealistic when applied to actual existing conditions. (Kassenbaum, Ward, and Wilner)

Valuable time has been spent in therapy attempting to come to grips with extant problems because of past familial situations, unresolved complexes, or sibling rivalries. The unconscious has traditionally played an important role in the understanding of the

problems of the criminal, and following this approach through catharsis he will be rehabilitated and returned to society as a contributing member of the community.

Regardless of the claims made the psychiatrists, psychotherapists, or other adherents of the psychodynamic model, it can be safely stated that the success rate predicated upon treatment has not been overly successful. Martinson stated:

With few and isolated exceptions, the rehabilitative efforts that have been reported so far have had no appreciable effects on recidivism. (Martinson)

Vocational and Academic Counseling

Not all counseling takes the form of a psychological/psychiatric inventory. Vocational education can be successfully argued as a form of counseling. It lacks in essence the traditional structure of a counseling session, and the focus of its interest in obviously practical and job-related. However, there are many vocational programs which are so poorly instructed, the materials sorely antiquated and consequently useless, or ideas and techniques equally antiquated and useless, that the training does not adequately prepare one for a job outside the prison walls. For example, auto mechanic classes in prisons are too often taught with instructional materials which resemble little the modern equipment in a sophisticated garage or the maze of gears, pumps, or wiring of a high-powered automobile. Of course, making license plates, leather wallets or purses can pass the time inside the walls, but it does little to prepare the person for a life-surviving job on the outside. But the values regarding the work ethic and ideals connecting work and reward are manifestly instructed.

Academic education inside the prison can also be seen as a form of counseling. Because many academic programs are for the most part remedial and geared to residents with limited formal education, it can do little to prepare a person for accepting a fulfilling position in society (Evans). Too many inmates are years behind in their education, possess few skills necessary for learning, and are poorly motivated to advance in their educational career. Some residents attend school only because it may impress the parole board. However, it is within this setting that acceptable

social values can be imparted and hopefully inculcated to serve as a first step toward rehabilitation.

Psychotherapy versus Counseling

There is little difference in the recidivism rate of those treated by psychotherapy and those treated utilizing some other forms of counseling (Eysenck). Historically, psychotherapy has been practiced only by specially trained, medically oriented personnel, usually psychiatrists. There is no great body of supportive literature which demonstrates that clients are any better served or better adjusted than those who are exposed to "regular" counseling. It is interesting to note that rehabilitation programs do not appear to make offenders worse which has led to a statement that "... if we can't do more for (and to) offenders, at least we can safely do less" (Martinson). This has important policy implications for corrections since the financial constraints limit the numbers of psychiatrists and psychiatrically trained personnel which it can employ. What is needed, therefore, is an effective counseling method which can be accomplished by a wide range of people from the traditional social worker to the prison guard. It is believed that a full range of personnel could serve as effective counselors if they show an honest and humane interest in the person and are willing to exhibit a "caring" feeling for others in their relationships.

A Need for Change

Recognizing then the deficiencies of traditional therapies, vocational training, and the prison academic enterprise, while recognizing their potential value, each can be viewed as a form of counseling. There appears to be a vital need to move toward a new form of therapy if the philosophy in corrections is to change people and simply not to punish them. Ferri stated in 1901 that punishment is "... directed against effects, but it does not touch the causes, the roots, of the evil" (Ferri). It must be decided that the professional field of corrections is dedicated to rehabilitation or reintegration rather than reform or restraint. In addition, this alternate form of counseling must depart from the traditional view of the resident as being "sick" or "disadvantaged" and into a philosophical mode which recognizes the limitation of past therapies and realizes the intrinsic ability of a person to change without a complete and exhaustive psychological inventory. One form of therapy that shows promise for providing these advantages could be termed humanistic counseling. Humanistic counseling derives from the application of the principles of humanistic psychology and sociology to correctional counseling settings.

Humanistic Psychology and Sociology

Humanistic psychology as a discipline emphasizes individual freedom and dignity of the person, the importance of growth experiences and self-understanding, and a concern for human welfare and helping others. Based on the writings of Rank, Maslow, and Rogers, humanistic psychologists believe that in a human being there exists a positive growth force which can lead a person to develop all of his potentials in such ways that are healthy to him and constructive to society.

In humanistic psychology there are certain basic assumptions. First of all, it is assumed that man is basically "good," and each person has an ability to freely choose his course of action. The variables of social experience should be a valued source of meaningful examination even though there is no scientific method to measure love, happiness, joy, sadness, or friendship. The humanist would say that too much time and energy has been spent on studying the "unhealthy." More time should be spent on studying the "healthy" person.

Predicated then upon these assumptions, there are accompanying basic principles. Because man does have a free will, he does have more "degrees of freedom" than has been previously thought. To capitalize on this freedom, it is furthermore theorized that man has almost unlimited personal potentials. The individual must be cognizant then of his potentiality, his vulnerability, his aloneness in this world, and his mortality. He should realize that only the "here and now" is important. He can do nothing about what has already happened; nothing can be done to change the past. So it is also true about the future. It has not happened, so it is not as yet a reality. By understanding the importance of self-acceptance by others and a sense of personal security in his life, humanistic therapy is a different approach to rehabilitation.

Sociology has also attached itself to this humanistic philosophy by focusing on broad human problems and the role of society in deviancy. In this school of thought, the person is totally and ultimately responsible for what happens to him. There is no transference of responsibility to a deity or a complex society. The person can attain whatever needs to be done to cope with life's problems. And through self-actualization, a person can accomplish by his own efforts those necessary elements to cope with society.

Humanistic Counseling

Humanistic counseling as a treatment modality is deeply rooted in a philosophical mandate of constructing a positive self-concept and self-esteem. Since one's

concept and esteem and at least in part predicated upon one's interpretation of how others view him (e.g., Mead's Generalized Other, Cooley's Looking Glass Self), the values attempted to be instilled are imperative if one will be concerned with social acceptability or personal importance. So, these values should be in congruence with the prevailing values of the prosocial members of our society. The time has passed when those in criminal justice recognize that many of our correctional residents cannot truly be "socially rehabilitated" since they have not been "habilitated" to society's acceptance in the first place. Recognizing this, the humanistic therapist is placed in a position where he must acclimate the client not only to the "proper" and therefore "approved" values, but there is also a responsibility to make the client aware of errors in his behavior which have resulted in his present situation.

In humanistic therapy, the relationship is of paramount importance. It takes a special bond between the counselor and the client to be able to point out past *conscious* faults without destroying the relationship. This bond can be hampered by the correctional setting which is unique, and by that uniqueness it possesses special problems. But it is believed that effective counseling can occur regardless of the setting if certain principles are recognized and followed.

Determining Needs

An initial but vital element in the counseling process is to determine the true needs of the correctional client. Needs are those things which, if realized, will make one contented or happy. Too often needs are confused with addictions. An addiction is an emotion-backed demand, desire, expectation or model one *must* have to be happy. The "needs" expressed by the client may not be the ones with which he is truly concerned. The effective counselor must therefore exert great care and skill to determine not only the real needs but also those which are legitimate ones. The therapist must evaluate the scope and direction of stated needs and also differentiate between a need and an addiction. In other words, the therapist is thrust into a situation where he must evaluate what is "acceptable" and what is "unacceptable." Often this judgment is not based simply on cultural relativity, or subcultural relativity, but upon the prevailing social norms and values. In some other cases the therapist may pass on the acceptability predicated upon his own standard of behavioral morality.

All people have needs. There are obvious survival needs: air, water, food, etc. There are also psychic survival and personal growth needs such as approval, recognition, status, power, and self-esteem. It may be that certain offenders in the criminal justice system

are involved in life's scripts which are in opposition to society's values. A life script is a set of conditioning psychological elements which are guidelines for behavior. The script defines acceptable versus unacceptable behavior. There are a variety of authors of a script, but the primary authors are the parents. An example of an appropriate script would consist of socially approved modes of behavior. An inappropriate script will include those behaviors which would necessarily lead to antisocial behavior. Not only are there inappropriate scripts, there are also addictions. Addictions are behavioral responses to a script which *has* to be done. There are a multitude of these addictions. A young girl, for example, may be inculcated with a script that she can only be happy if she is a wife and a mother. She is, if truly addicted, only happy if and when she becomes a wife and mother.

Many in our society, however, are preoccupied with those items of conspicuous consumption, visible things which become signs of success (Veblen). An expensive car, a large home in a middle class, residential, low rate of crime and theft area are all such items for which most strive. There are some people who can only be happy and contented when they possess such things. But because of a variety of reasons, some clients in the criminal justice system appear to be more concerned with these "things" which will necessarily bring them happiness. They become involved in a way of life, or in a life script, which brings them into conflict with society because of the innovator techniques involved in securing these items of conspicuous consumption (McCormick, Merton). Many believe material objects, titles, and other things which convey social status and worth are necessary for social survival. However, from a humanistic point of view, a fanatical dedication to "things" will necessarily bring about dissatisfaction and a feeling of unfulfillment.

Case: John B. Rapist

John is a middle-aged, professional engineer who is presently incarcerated in a medium-security prison. He was sentenced to a 20-year term for rape and is his fifth year in prison. John's early life displayed no propensities toward sexual aberrations, and until his wife became bedfast with terminal spinal cancer, his sexual life was "normal." John, as he related to this writer, because of his lack of marital sex, first started to look into bedrooms of his neighbors as women undressed, bathed, or otherwise prepared for a night's sleep. As time progressed, his "progressive degeneracy" (Holmes) increased from the point of peeping to slipping into a woman's bedroom and masturbating by her bedside. John soon started slitting the woman's nightgown and focusing on her breasts. Finally after a short period of time, he progressed to forcible sex. After several rapes, John was apprehended, convicted, and sentenced to a state prison.

In utilizing a humanistic approach in counseling this sex offender, the therapist would first of all point

out to John that he should carefully evaluate his present situation and its influence on his personal future. In stressing the present, the counselor has the professional obligation to inform John that there is nothing that can be done about the past. The inability of the wife to be sexually active because of her illness is certainly unfortunate but this can be no excuse for him to rape over 20 women. He must accept the responsibility for his own behavior. He has freely chosen his actions regardless of past experiences. To use an unresolved Oedipus complex, his wife's inability to sexually respond, or a variety of other excuses, are treated as simply that, excuses. The therapy session takes on the character of informing John that it is of no concern about the past; nothing can be done to change it. In addition, John must be willing to accept responsibility for his free-will action, and he must initiate a present-oriented plan of action which will lead him to personal fulfillment, a fulfillment not predicated upon the expense of others.

From Punishment to Habilitation

The correctional philosophy of reintegration reinforces a need to move away from punishment and from the notion that offenders are by nature "sick" and can be treated effectively only by members of the "medical team." The reintegration focus emphasizes that effective personal change can occur utilizing a wide range of people with no special training in the role of the unconscious. They must have skills. There is no denying this, but the essential requirement centers around their ability to care for others and willingness to help. This counselor recognizes that cooperation between society and the offender can only benefit both. Conditions must be created by both the counselor and the client whereby the latter will view law-abiding behavior as a viable alternative to continuing in his criminality (O'Leary and Duffee).

What has traditionally been considered a "divine right" of the therapist must be rejected. What may be more important is an examination of the conscious determinants of behavior. An unresolved Oedipus Complex or sibling rivalry may appear to be relevant and suitable topics for intellectual discourse, but there are no data to support direct relationships between them and criminality.

In practical counseling, the therapist must be in a position to make the client aware that both the present and the future should dominate his time-frame reference. The past is done, and nothing can be done to change that. In the humanistic model there is a

directive toward an awareness of the present and future as vitally important. The present and the future are truly realities which a person can do something about. Utilizing them to gain an ideal state, that which the client would like to be, is the goal of the client. That is the striving for fulfillment.

One criticism by humanistic counselors is that traditional therapies have given birth to "learned helplessness." Those who are addicted to "learned helplessness" are the "professional askers," dedicated to the script of inferiority and wanting things done "to" them, "for" them (McCormick). To avoid this criticism, the humanistic counselor is one who believes in the "fact" that the correctional client is the person who owns the problem, and the role of the therapist is to practically arrange the social conditions for the betterment of the client and the society. The ownership for responsible change must rest with the client, and only by responsible change initiated on a conscious level with all alternatives known and freely chosen can fulfillment be realized and actualization be a reality. By recognizing that people become addicted to life's scripts which are many times counterproductive to a prosocial lifestyle, the client must be convinced that (1) he has an ability to change his lifestyle, (2) he has several rewarding options for change, and (3) what the payoffs for the various options will be. Stressing the present and the future, being aware of societal constraints and opportunities, and realizing the importance of self-actualization as happiness-producing, the benefits realized by a non-traditional therapy form may be more valuable and viable than many treatment modalities of the past.

BIBLIOGRAPHY

- Evans, R. "The Labor Market and Parole Success." In Andreano, R. *The Economics of Crime*. New York: Schenkman Press, 1980.
- Eysenck, H. *Crime and Personality*. Boston: Houghton Mifflin Publishing Co., 1964.
- Ferri, E. "The Positive School of Criminology." In Stanley E. Group, ed., *Theories of Punishment*. Bloomington, Indiana: Indiana University Press, 1971.
- Hamilton, G. *Theory and Practice of Social Work*. 2nd ed., New York: Columbia University Press, 1951.
- Holmes, Ronald M. *The Sex Offender and the Criminal Justice System*. Springfield, Illinois: Thomas Publishing Co., 1983.
- Kanebaum, G., Ward, D. and Wilner, M. *Prison Treatment and Parole Survival: An Empirical Assessment*. New York: John Wiley and Sons, Inc., 1971.
- Lipton, D., Martinson, R., and Wilks, J. *The Effectiveness of Correctional Treatment: A Survey of Treatment Evaluation Studies*. New York: Praeger Publishers, 1975.
- Martinson, R. "What Works? -- Questions and Answers About Prison Reform." *The Public Interest*. 1975, No. 35, page 25.
- McCormick, M. *An Invitation to Grow*. Louisville, Ky.: RF Publishing Co., 1976.
- O'Leary, V. and Duffee, D. "Correctional Policy: A Classification of Goals Designed for Change." *Crime and Delinquency*. 1972, No. 18, page 373.
- Smith, A. and Berlin, L. *Treating the Criminal Offender*. Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1981.
- Veblen, Thorstein. *The Theory of the Leisure Class*. New York: MacMillan Co., 1889.

Victim Services on a Shoestring

BY ROBERT M. SMITH

District Manager, Vermont Department of Corrections, Burlington

THERE IS at this time a subtle change occurring within the criminal/juvenile justice system in both the United States and Canada. Some would agree that it is long overdue. Police, prosecutors, judges and corrections officials are starting to pay more attention to the victims of crime. In addition, legislators, lobbyists, and civic groups are recognizing the problem and attempting to deal with it. Statutory changes, victim compensation bills, services for battered women and sexual assault victims are examples which come to mind.

It is my contention that corrections has an important role to play with regard to victims of crime, even though we often do not become involved with an offender until long after the crime has been committed. Furthermore, in the absence of additional resources, there are avenues to pursue beyond the added increase in restitution payments and inclusion of victim impact statements in presentence investigation reports which seem to be the most frequent changes to date. While this article will primarily deal with probation and parole, the choice of the word "corrections" is a deliberate one as I believe we will witness victim service programs within institutions as well as the community in the future. Several months ago, a factual TV drama entitled "In the Face of Rage" portrayed the bringing together of sex offenders and sexual assault victims behind prison walls in the State of Washington. The findings at that time were encouraging but inconclusive according to the film credits.

Most jurisdictions are trying to justify level funded budgets, much less justify increased resources for the development of victim service programs.¹ Much can be done, however, in reorganizing existing staff resources and more fundamentally, by reassessing policies and creating new attitudes towards victims of crime. This article attempts to illustrate some of these new initiatives.

The fundamental reason for a corrections agency to involve itself in victim services is that it makes correctional sense to "return the offender to the scene of the crime." Many believe this to be important so

as not to allow the offender to perpetuate a denial system in which the offender excuses himself from responsibility or, worse, projects blame on someone else, oftentimes the very person who was victimized.

Victim-Offender Reconciliation

Too often we become unnecessarily influenced by the environment in which we live, or for our purposes, the one in which we work. The criminal justice system is adversarial. The assumption, and it's a fundamentally sound one, is that the effective management of conflict will produce justice. Each of us has a role and a unique perspective, according to our profession. The net result is a decision which accounts for these perspectives and is hopefully fair. If you are thinking of adversity, it is often difficult to think of accommodation. The Victim-Offender Reconciliation Program (VORP) of Valparaiso, Indiana, is challenging the assumption that victims of crime should be "protected" from their offenders.² At the discretion of the victim, a meeting is arranged with the offender which is supervised by a third party. Surprisingly, many victims desire such a meeting. Restitution determination may be discussed, but often questions such as "why did you choose my home to burglarize?" or "what were you thinking about?" are common. Such a meeting often DE-MYSTIFIES the offender in the mind of the victim. Somehow, he doesn't seem quite as predatory as the stereotype portrays him, and these nagging questions are answered. The offender, on the other hand, is often more fearful about meeting the victim than the victim is in meeting the offender.

In our probation and parole office, we have had a number of brokered meetings between the offender and his victim, usually under the pretext of determining restitution. In every instance, the victim and the offender have expressed satisfaction. While this may not hold true over time, the results to date have caused many of the officers who supervised such meetings to express surprise and satisfaction themselves.

In one case, a shopkeeper was mugged and his money was taken. One of the two defendants expressed remorse during the presentence investigation. He subsequently was incarcerated. Some six months later, he was eligible for work release and was reminded of his stated remorse and desire to pay restitution at the time of the PSI. His assigned probation and parole officer took him to the shop and

¹The state of Minnesota is one apparent exception. Their legislature in 1978 allocated funds which, when combined with private sources, enabled them to operate three victim service centers on a pilot basis. See "Crime Victim Crisis Centers 1981 Legislation Report," published by the Minnesota Department of Corrections, February 1981.

²For information, contact PACT Institute of Justice, 100 N. Franklin, Valparaiso, Indiana 46383. See also, "Victim-Offender Reconciliation: An Incarceration Substitute?," Howard Zehr, Ph.D., and Mark Umbreit, *Federal Probation*, December 1983.

END