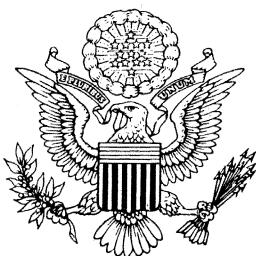


THE CRIMINAL OFFENDER—WHAT SHOULD BE DONE?



**The Report of
The President's Task Force on
Prisoner Rehabilitation**

April 1970

THE PRESIDENT'S TASK FORCE ON PRISONER REHABILITATION

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January 27, 1970

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The President
The White House
Washington, D. C.

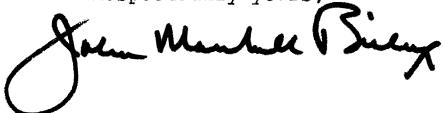
Dear Mr. President:

Enclosed is the report of your Task Force on Prisoner Rehabilitation. To paraphrase Cicero, if there had been more time we could have written a shorter report. But we hope that it contains some ideas and recommendations which may be helpful in the effort to reduce crime and, even more importantly, in restoring one of the Nation's most neglected human resources.

We received full cooperation from all whom we called upon, but we particularly acknowledge that of Dr. Charles L. Clapp of your staff, Associate Deputy Attorney General George R. Revercomb, Mr. Richard W. Velde and Mr. Lawrence A. Carpenter of the Law Enforcement Assistance Administration, and Mr. Myrl E. Alexander, Director of the Federal Bureau of Prisons, and his assistant, Mr. Norman A. Carlson.

Personally, I am grateful to the members of the Task Force whose dedication to the task, at considerable personal inconvenience, has made this report possible.

Respectfully yours,



BY HAND

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OCTOBER 16, 1969

The White House

The President today announced the formation of a Task Force on Prisoner Rehabilitation to assist the Administration with ideas for 1970 and beyond. The chairman will be John Marshall Briley, Senior Vice President of Owens-Corning Fiberglas Corporation, Toledo, Ohio. The Task Force will review problems faced by ex-offenders in order to determine how best to help them achieve a lastingly productive and rewarding return to society.

The members of the Task Force on Prisoner Rehabilitation are:

JOHN MARSHALL BRILEY, *Chairman*
Senior Vice President
Owens-Corning Fiberglas Corporation
Toledo, Ohio

VIRGINIA SCHROEDER BURNHAM
President
Connecticut Manufacturing Co.
Waterbury, Connecticut

KARL A. MENNINGER
Chairman of the Board
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SOL CHANELES
President
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NORVAL MORRIS
Director, Center for Studies in
Criminal Justice
University of Chicago
Chicago, Illinois

JOHN C. DANFORTH
Attorney General
State of Missouri
Jefferson City, Missouri

MRS. KATHERINE K. NEUBERGER
Former Chairman
New Jersey Law Enforcement Council
Lincroft, New Jersey

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President
Institute for Study of Crime and
Delinquency
Sacramento, California

CHARLES WRIGHT
Judge, Family Court Division
Court of Common Pleas
Philadelphia County
Philadelphia, Pennsylvania

THE WHITE HOUSE
WASHINGTON

SEPTEMBER 12, 1969.

DEAR MR. BRILEY:

Your acceptance of the chairmanship of the President's Task Force on Prisoner Rehabilitation is appreciated by the President.

The mission of the Task Force would be, broadly speaking, to review what the public and private sectors are now doing in the area of prisoner rehabilitation and to recommend what might be done in the future. I envision that the Task Force would provide a needed overview of problems faced by the ex-offender in order to determine how best to help him achieve a lastingly productive and rewarding return to society.

More specifically, it would be desirable for the Task Force to appraise the effectiveness of present prisoner rehabilitation programs, to suggest how such programs might be improved or better coordinated, and to consider additional steps that could be taken, in light of practical considerations and present budgetary constraints, in this important area.

Although the report of the Task Force should focus on proposed legislative or executive action for 1970, the Task Force and its chairman would have wide discretion in determining the matters to be considered.

A guideline for Task Force operations will be sent to you shortly. In the meantime, my associate, Dr. Charles L. Clapp, will always be on hand to answer questions that may arise.

Sincerely yours,

ARTHUR F. BURNS,
Counsellor to the President.

Mr. JOHN MARSHALL BRILEY,
Senior Vice President,
Owens-Corning Fiberglas Corporation,
National Bank Building,
Toledo, Ohio.

Activities and Acknowledgments

The Task Force met for the first time on November 8, 1969 in Washington. Five meetings of the full group were held.

To facilitate the work of the Task Force four committees were established. One was charged with examining the problem of improving the coordination of overall planning in corrections and with developing the contextual framework of the report. Others were formed to consider Jobs and Job Training, Regional Programs and Institutions, and Community-based Corrections. These groups met separately, from time to time, to consider and formulate proposals in their assigned areas for presentation to the full Task Force. Further consultations were held by telephone and mail. The membership of these committees follows:

Jobs and Job Training

Norval Morris (*Chairman*)
Virginia S. Burnham
Reginald C. Doiron
Leo Perlis

Regional Programs and Institutions

Richard A. McGee (*Chairman*)
Emory F. Hodges
Lawrence W. Pierce

Community-Based Corrections

Sol Chaneles (*Chairman*)
Katherine K. Neuberger
Ramon S. Velez
Charles Wright

Overall Planning

Robert J. Kutak (*Chairman*)
John C. Danforth
Karl A. Menninger

The Task Force benefited significantly from the experience and wisdom of the many experts and knowledgeable observers who made formal presentations or otherwise contributed to the preparation of this report. The Task Force and its committees met with officials at the Federal, state, and local levels of government as well as with representatives of private organizations. Still other individuals were consulted on specific issues or forwarded written statements. To each of them we acknowledge our debt and express our gratitude.

Special mention should be made of the contribution of Milton M. Barlow, an attorney with Shearman and Sterling in New York City, who served as assistant to the Chairman throughout the life of the Task Force and provided outstanding support to its activities. Robert Rice of Washington, D.C., served as editorial consultant and did much to improve the flow of this report.

Summary

PART I

Introductory

We concluded early that there was no need for us to search for new ideas about rehabilitating prisoners.

The voluminous literature on the subject overflows with excellent ideas that never have been implemented nor, in many cases, even tested.

We conceived our task as one of devising mechanisms through which the Federal government might help convert a few of the most promising of those ideas into action. We have made no attempt to be comprehensive, to deal with every aspect of corrections. We have been guided in our selection of what to discuss and what not to by the criterion of immediate feasibility. We have recommended only such actions as we believe to be publicly acceptable and financially supportable right now.

Our proposals are relatively modest and may seem unrelated to each other at first glance, but they have a common general context:

First, they must be viewed as tactical maneuvers that can lead to no more than small and short-term victories unless they are executed as part of a grand strategy of social reform, with particular emphasis on reducing poverty and racial discrimination.

Second, correctional reform, to succeed, must have the support of the community, which in the past has had a tendency to regard corrections as a rug under which to sweep difficult and disagreeable people and problems.

Third, thoroughgoing correctional improvement will require a great deal of money, which may not be available in Fiscal Year 1971, but which will have to be made available soon.

Fourth, because of the almost total lack of basic data about offenders, there is little precise knowledge about what kinds of correctional programs succeed with what kinds of offenders and no proposals about

corrections, including ours, make as much sense as they should. In this connection, we make two specific recommendations:

The Law Enforcement Assistance Administration of the United States Department of Justice should proceed at once to put its National Criminal Justice Information and Statistics Service into full operation. (p. 9)

and

The United States Bureau of the Census should in each decennial census make a comprehensive enumeration of institutional inmates, and should make plans to conduct, using sampling procedures, regular inter-decennial enumerations of all adjudicated offenders. (p. 9)

PART II

Jobs and Job Training

Satisfying work experiences for institutionalized offenders, including vocational and pre-vocational training when needed, and the assurance of decent jobs for released offenders, should be at the heart of the correctional process. The recommended mechanism for achieving this end is:

The President should establish a national agency whose function would be to stimulate, in the states and localities particularly, the adoption of programs for the employment and training of criminal offenders. (p. 11)

Suggestions are made as to the form the agency might take, and the manner in which it might operate. A recommendation is made as to a possible source of funds:

The Board of Directors of Federal Prison Industries, Inc. should undertake a study of the ways its annual dividend to the Treasury might be used in the area of prisoner rehabilitation, with special emphasis on job and job-training programs. (p. 13)

Governmental employment policies with respect to ex-offenders are discussed and two recommendations are made:

The United States Civil Service Commission should devise and put into operation a plan to stimulate Federal employment of ex-offenders. (p. 10)

and

The National Institute of Law Enforcement and Criminal Justice of the Department of Justice should frame guidelines for state and local governments concerning the employment of ex-offenders. (p. 10)

PART III

Regional Institutions and Programs

A few promising and inexpensive steps are discussed toward regionalizing or pooling facilities and services in order to eliminate some of the anomalies and correct some of the injustices that arise from the correctional system's jurisdictional fragmentation.

Specific recommendations are:

The Federal government, through subsidies, should encourage individual states or combinations of states to establish, by conversion or construction, regional jails of approved standards of construction and operation for persons serving sentences of more than one month and less than one year. (p. 15)

The Federal government should withhold all subsidies from conversion or construction of correctional facilities of any kind in any state that fails to initiate a program for the establishment of regional short-term institutions where needed. (p. 16)

The Federal government should withhold correctional funds from any jurisdiction that does not have detention facilities that separate juveniles from adults, or at the very least a plan for creating such facilities at once. (p. 17)

The Federal government should establish centers in selected metropolitan areas for the purpose of providing diagnostic clinical services to both Federal and state courts, and to offenders on probation and parole. (p. 17)

The Federal government should establish regional mental health programs and institutions for offenders, in which the states should be permitted to board prisoners needing such care at one-half the per capita operating costs, including treatment. (p. 18)

The Federal prison system, which has as good a prison industries organization as any in the country, should accept long-term tractable prisoners from the states on a low-cost basis. Existing Federal prisons could become the regional facilities for this kind of prisoner. (p. 18)

The Federal government should establish regional care and treatment programs for narcotic addicts (p. 27).

The Federal government should restudy its program for addicts with a view to making it consistent with the best current practice in the field. (p. 19)

The Federal Bureau of Prisons should study the need for establishing, in appropriate locations, regional institutions for female prisoners to accommodate such prisoners in institutions with a capacity not to exceed 300 each. (p. 19)

PART IV

Toward Community-Based Corrections

Any offender who can safely be diverted from incarceration—or in some cases even adjudication—should be. We point out that for this objective to be achieved in any large measure, the community must have many more facilities and programs for dealing with offenders than it now does. The specific recommendations for such programs and facilities are:

The Federal government should grant funds to the states and localities for the training and employment of substantially greater numbers of qualified probation and parole workers, both professional and paraprofessional. (p. 21)

The Federal government should establish regional training programs to provide continuing in-service training for probation, parole and all other correctional officers. (p. 21)

The Federal government should promulgate national standards for parole and probation services, and condition its aid to the states and localities on their willingness and ability to meet those standards. (p. 22)

The Congress should enact legislation and appropriate funds for the creation, within existing community and mental-health facilities, of special units to provide pre-adjudication (as well as post-adjudication) services of all kinds to defendants, and information about defendants to prosecutors and judges, with the object of diverting as many defendants as possible from full criminal process. (p. 22)

The Federal government should fund an experimental program to determine the effectiveness, first, of pre-trial counseling and supervision of defendants and, second, of deferred adjudication of certain defendants under probation. (p. 22)

The Federal government should undertake a demonstration project to test the effectiveness of non-institutional therapeutic family-oriented programs for treating offenders from multi-problem families. (p. 23)

The Federal government should extend its support of demonstration projects to test the effectiveness of using ex-offenders as counsellors to probationers and parolees. (p. 23)

The Federal government should adopt, and urge the states to adopt, legislation that would, with appropriate exceptions, prohibit non-judicial use of a misdemeanant's criminal record after a defined period of time; in the case of felons, legislation should provide that, after an appropriate period of law-abiding behavior, the supervising agency could recommend pardons for them. (p. 24)

Report of the President's Task Force on Prisoner Rehabilitation

PART I

Introductory

Of the several things America can and should do to reduce the incidence of crime, one with a particularly great potential for reducing it significantly and soon is improving the ways in which the nation's jails and prisons, its juvenile detention homes and training schools, its probation and parole services induce or help or enable criminals and delinquents to become law-abiding men, women and children. This big expensive "correctional system"—which is not a system at all, really, but a fortuitous agglomeration of a Federal system, 50 state systems and well over 3,000 county and municipal systems—has under its authority on any given day something like a million and a half people, and during a year it deals with perhaps twice that many. No one knows how many of them return to the community willing and able, as the result of their contact with corrections, to lead constructive lives; however, there is little doubt that the number, whatever it is, is too small. A substantial part of the correctional population, including perhaps a majority of serious offenders, are people who are being "corrected" for a second or third or fourth time. Furthermore, very many of those repeaters began their criminal careers by committing minor offenses, often when they were not more than 14 or 15 years old.

Those facts define with some precision the two great challenges the correctional system faces: The present safety of the community requires that thousands of dangerous and persistent criminals somehow be steered away from destructive pursuits, and the future safety of the community requires that hundreds of thousands of minor offenders, especially young ones, be given the opportunity, the means and the desire to choose careers that are not criminal. Moreover, the magnitude of these challenges is increasing year by year not only because the amount of crime is increasing but because throughout the nation police and court operations will be improving; an inevitable consequence of better work by

the police and the courts will be more work for corrections. In short, if the correctional system expects to perform only as well during the next few years as it does now, it will have to change considerably. To improve its performance will take great changes, indeed.

Locating specific places in the correctional system where Federal action now, beginning in 1970, can give impetus to such changes was the assignment the President gave this Task Force on Prisoner Rehabilitation. He instructed us

to review, in broad perspective, what the public and private sectors are now doing in the area of prisoner rehabilitation and to recommend what might be done in the future, providing an overview of problems faced by the ex-offender in order to determine how he could best achieve a lastingly productive and rewarding return to society.

He gave us wide discretion about which aspects of corrections we considered, specifying only that what he particularly wanted was some practical proposals for actions he or the Congress could take at once.

We concluded early that there was no need for us to search for new ideas about rehabilitating prisoners. The voluminous literature on the subject—in the last two and a half years alone, according to the Library of Congress, almost 500 books, articles and monographs on corrections have been published—overflows with excellent ideas that never have been implemented nor, in many cases, even tested. We conceived our task as one of devising mechanisms through which the Federal government might help convert a few of the most promising of those ideas into action. We have made no attempt to be comprehensive, to deal with every aspect of corrections. We have been guided in our selection of what to discuss and what not to by the criterion of immediate feasibility. We have recommended only such actions as seem to us to be publicly acceptable and financially supportable right now.

Under the circumstances this report may appear to be more a patch-work quilt than a tapestry. However, we believe that our specific recommendations, unrelated to each other as they may seem to be at first glance, have a common general context and that it will be useful for us to describe it briefly.

First, anyone concerned with prisoner rehabilitation also is concerned, perforce, with the reason people commit crimes. Obviously a program designed to restore offenders to the community must be based on some views about why they left the community in the first place. We have no novel thoughts about this much-discussed subject. We simply wish to record our agreement with the National Crime Commission, the Riot Commission, the Violence Commission, and scores of other thoughtful and

painstaking analyses, that some of the toughest roots of crime lie buried deep in the social conditions, especially poverty and racial discrimination, that prevail in the nation's inner cities. These conditions not only make it difficult for millions of Americans to share in America's well being, but make them doubt society's good faith toward them, leaving them disposed to flout society. America's benefits must be made accessible to all Americans. How successfully America reduces and controls crime depends, in the end, upon what it does about employment and education, housing and health, areas far outside our present mandate or, for that matter, our particular competence. This is not to say that improvements in the correctional system are beside the point; on the contrary, many more improvements than those we call for in this report are needed, in fact overdue. Our point is that improvements in the correctional system are necessarily tactical maneuvers that can lead to no more than small and short-term victories unless they are executed as part of a grand strategy of improving all the nation's systems and institutions.

Second, perhaps the greatest obstacle to improvement in the correctional system always has been the tendency of much of the public to regard it and treat it as a rug under which to sweep difficult and disagreeable people and problems. The myopia of this attitude scarcely requires demonstration. After all, the overwhelming majority of offenders do not stay under the correctional rug. Sooner or later, they and their problems emerge and inflict themselves once more upon the community; as a matter of fact, the two-thirds of the correctional population who are on probation or parole are in the community right now in body, if not in spirit. "Community-based corrections" is no visionary slogan but a hard contemporary fact. We support wholeheartedly the proposition that the community is the appropriate place in which to prepare offenders for useful participation in community life. Doubtless the public safety demands that certain dangerous people be kept behind bars, but we think it unlikely that custody in itself helps them learn how to be good citizens in a free society. In any case, a prerequisite of successful community-based corrections is public helpfulness toward offenders. The President put it well in his November 13, 1969 statement on correctional problems:

One of the areas where citizen cooperation is most needed is in the rehabilitation of the convicted criminal. Men and women who are released from prison must be given a fair opportunity to prove themselves as they return to society. We will not insure our domestic tranquility by keeping them at arm's length. If we turn our backs on the ex-convict, then we should not be surprised if he again turns his back on us.

Third, significant improvements in corrections are going to cost large amounts of money—and Federal money at that, since the states and localities barely can meet their present obligations. Because of our instructions to come forth with proposals meant to be adopted at once, we have avoided suggesting anything that would cost large sums in Fiscal Year 1971. However, a Fiscal Year is not long distant when there is no such thing as a commitment to a better correctional system without a concomitant commitment to spend money to get it. What the money is needed for mostly is people; of correctional bricks and mortar there are plenty on the whole—though of course there are in many places antique and squalid jails and prisons that urgently need remodeling or replacing if on no other ground than that of common humanity. But the real shortage in the system is of skilled personnel, particularly in non-custodial jobs—teachers, therapists, counselors, probation and parole officers. It is a shocking fact that between 80 and 90 percent of the billion dollars or more a year America spends on corrections is spent on custody and its administration. When at most 15 percent of the system's annual budget is spent on what presumably is the system's chief objective, it is small wonder that that objective is all too seldom achieved. Moreover, for most of the people now working in the system, including those in custodial jobs, the pay is far too low, with resulting failure to attract the best people, and training is inadequate with a resulting less-than-optimum performance even by talented and dedicated people. Unless money is found to staff the correctional system adequately with respect to both quantity and quality, even the modest proposals we offer in this report will be difficult to translate into action. A program can be only as effective as the people who operate it.

Fourth and finally, it is probable that no discussion of corrections makes as much sense as it should because there is available so little precise information about correctional successes and failures. Extraordinarily enough, until some three years ago when the National Crime Commission made a survey, no one even knew the size or the composition or the cost of the correctional system in the United States—and most guesses about these matters by knowledgeable people had been so inaccurate that the survey's figures, when they were published, caused general astonishment in the field. Particularly little is known about either the amount or the causes of recidivism. Guesses about the percentage of prison leavers who commit new offenses range from 30 to 70. No one even ventures to guess about the percentage of crimes that are committed by prison leavers. And, most importantly, there is little or no hard information about which offenders repeat and why—or, even more to the point, which offenders do not repeat and why. Until some light is thrown on this last matter, the success of any correctional program will depend at best on intuition rather than on knowledge and planning.

We are reasonably confident that the recommendations in this report are sound, but we would be even more confident if they had arisen not only from our hard thinking and considerable experience, but from solid objective data as well. Indeed, we are sure that many ongoing correctional programs would be strengthened or altered or abandoned, and many new ones would be organized, if correctional authorities knew a little more about the way offenders of various kinds respond to treatments of various kinds. Therefore, as one early and essential step toward assembling those basic facts about offenders that every correctional authority—and, for that matter, policemen, prosecutor and judge needs—we recommend:

The Law Enforcement Assistance Administration of the United States Department of Justice should proceed at once to put its National Criminal Justice Information and Statistics Service into full operation.

As another early and essential step, we recommend:

The United States Bureau of the Census should in each decennial census make a comprehensive enumeration of institutional inmates, and should make plans to conduct, using sampling procedures, regular interdecennial enumerations of all adjudicated offenders.

A fully operating crime information center will cost a lot of money—though not when compared with the billions of dollars a year crime and the efforts to control crime cost America. If such a center makes it possible for not only corrections but every agency of law enforcement and justice to plan and evaluate its work rationally, it will be more than worth its price.

PART II

Jobs and Job Training

A constructive member of the community, by definition, is a working member. A common characteristic of offenders is a poor work record; indeed it is fair to conjecture that a considerable number of them took to crime in the first place for lack of the ability or the opportunity—or both—to earn a legal living. Therefore, satisfying work experiences for institutionalized offenders, including vocational training when needed, and the assurance of decent jobs for released offenders, should be at the heart

of the correctional process. To subject people with poor work habits and a low work motivation to the enforced idleness that prevails in most prisons and all but a few jails, or to the meaningless chores and humiliating working conditions that are characteristic of many prison programs, is simply to reduce further their capacity to derive satisfaction from, or even take part in, workaday community life. And of course the best institutional job and job-training program is futile if it does not lead on the outside to reasonably rewarding jobs.

It is pertinent to note that, when it comes to providing jobs outside, those very entities that are responsible for rehabilitating prisoners, the states and the Federal government, set a most unedifying example. Most states either are barred by statute or bar themselves by habit from hiring ex-offenders. The Federal government let down its bars somewhat a few years ago; it will now hire ex-offenders on an individual basis, if the agency that wants their services presents a strong brief, and after an elaborate and time-consuming screening by the Civil Service Commission. In other words, it is a great deal more trouble to hire an ex-offender than somebody else and, as a general rule, only agencies with a stake in the matter, the Bureau of Prisons or the Law Enforcement Assistance Administration, for example, are willing to take that much trouble regularly.

Surely the very first step toward improving its correctional process that any government—municipal, state or Federal—should take is to allow ex-offenders to be employed by government. The government is scarcely persuasive when it urges industry to adopt employment policies toward ex-offenders that it itself is unwilling to adopt. We recommend:

The United States Civil Service Commission should devise and put into operation a plan to stimulate Federal employment of ex-offenders.

We also recommend:

The National Institute of Law Enforcement and Criminal Justice of the Department of Justice should frame guidelines for state and local governments concerning the employment of ex-offenders.

What is required to make correctional job and job-training programs fruitful is close day-by-day collaboration between correctional agencies on the one hand and industry and labor on the other. The Federal correctional system has been a pioneer in establishing such relationships, and some of the results have been extremely promising, as with the training program for electronic welders operated by Dictograph in the Danbury, Connecticut prison, and a similar program for aircraft sheet-metal workers run by Lockheed in the prison in Lompoc, California.

Some state correctional agencies are beginning to work along the same lines, and this year the Law Enforcement Assistance Administration will fund local and state community-based employment and training programs for offenders to the extent of several hundred thousand dollars.

Taking these good, but small, beginnings as a cue to go farther and faster, we suggest a mechanism that could expand such efforts, coordinate them, bring additional expertise to both economic and correctional planning, disseminate information about programs to correctional authorities throughout the country and to the public, stimulate with ideas and money innovations and experiments, and evaluate ongoing programs. We recommend:

The President should establish a national agency whose function would be to stimulate, in the states and localities particularly, the adoption of programs for the employment and training of criminal offenders.

One form such an agency might take would be a public corporation with a presidentially appointed chairman and half a dozen directors representing industry, labor, voluntary agencies and the public.

One example comes to mind of how such an agency might work. Suppose it learned that the aircraft industry in the Pacific Northwest had projected its labor needs for the next several years as so-and-so many workers of this and that skill. The agency would find out from state and Federal correctional authorities in the area how many offenders might be available during those years for training in those kinds of skills, and broach to leaders of labor and management in the industry the idea of locating a certain number of training programs in nearby correctional institutions. It would participate in the contractual negotiations leading to such programs between the industry and the correctional authorities, or, if necessary, itself contract to administer the programs. It would make sure that the standards of instruction in the programs were of the same quality as those the industry insisted upon on the outside, and that the working conditions were equivalent to those enjoyed by outside labor. It would preserve a relationship with the programs only until industry and the correctional authorities were able to operate them without its help; it would then withdraw. However, the agency would retain in an obligation to evaluate each program or project so that the experience that it produced was widely available. The industry probably would be willing to pay all or part of the operating costs of the programs; after all, it would have to pay as much or more for training programs elsewhere. The chief cost to the taxpayer would be the agency's overhead expenses.

Some programs might require that ex-prisoners be bonded when they move into certain kinds of jobs. The agency would explore the various ways this might be done, seeking to expand the use of Federal funds to provide back-up financial service.

The agency would by no means confine its activities to programs within institutions but would seek to encourage training and employment programs for prisoners granted work release from institutions, for prisoners in halfway houses and community rehabilitation centers, and for probationers and parolees. Indeed, no matter how effective an employment and training program behind bars may be, one of equivalent quality in the community is bound to be more effective for most offenders. The agency, therefore, would have a particular interest in testing a variety of community-based employment and training programs for offenders.

Another important opportunity at the local level would be for the agency to arrange for the establishment of community workshops and vocational training schools that offenders would be required to attend as a condition of probation or parole or early release from correctional institutions. Such an innovation would reduce the population of institutions, would be cheaper than institutional placement, and, if used selectively, would better protect the community. Programs and projects of this sort, though initiated by the agency, should be transferred as soon as feasible to local interests to run.

The agency could arrange regional and local conferences on the training and employment of offenders, and thus involve management, labor and the local community in defining and launching local projects. It could also contribute, through public relations programs, to educating the public to the special needs and problems of the ex-offender, and the importance of the individual citizen's role in his successful return to the community.

The agency could initiate and support experimentation with a variety of industrial programs in prisons. For example, the time has come for experimentation with a "prevailing wages" or "factory" prison. In establishing such a program, arrangements might be made for prisoners to support their families; or, to pay some of their wages towards the cost of room and board, or for that matter in income taxes. Consideration would have to be given also to grievance procedures and collective bargaining in relation to working conditions in a factory-prison. A factory-prison must not be a "sweat shop".

One distressing holdover in the criminal process from less enlightened times is the "thirty-days or thirty-dollars" kind of sentence in the misdemeanor courts, which means that each year many thousands of petty offenders are imprisoned for lack of money to pay fines—for debt, not to mince words. Often imprisonment causes them to lose their jobs.

The agency could stimulate experiments with time payments, with loans to offenders who appeared to be good risks, and with "weekend jailing", which would allow offenders to serve their time in a series of two-day weekends. If such techniques were successful, many misdemeanants could continue to support themselves and their families while paying the price that society exacts from them.

The agency should review jointly with labor and management all laws, regulations and practices concerning the purchase of prison-made products and beyond that look into the possibility of the sale of such products to government agencies and through voluntary non-profit channels for domestic and foreign use.

The agency should encourage and stimulate the employment of selected ex-offenders in correctional work. One place it would appear entirely appropriate for ex-offenders to serve would be on an advisory committee to the agency, which would also include, of course, representatives of other parts of the community. Support should be given to the development of associations of ex-offenders for employment and therapeutic purposes.

The agency should maintain the closest liaison with Federal Prison Industries, Inc. There is larger need for the work of the agency in state and local corrections than in the Federal system, but there is certainly an opportunity to develop experimental models and test them in Federal institutions and programs. It may be that the agency should collaborate with Prison Industries in this regard, or it may be preferable for Prison Industries itself to assume the same functions in the Federal sphere as those we have suggested for the agency at the state and local levels. In any event they should draw strength from each other. One possible source of such strength is the annual dividend to the United States Treasury that Prison Industries declares which in 1969 amounted to \$5 million. Instead of going into the Treasury, this dividend might well be earmarked for use in rehabilitative work. It very likely would be more than enough, for one thing, to fund the agency we have been discussing. We recommend:

The Board of Directors of Federal Prison Industries, Inc. should undertake a study of the ways its annual dividend to the Treasury might be used in the area of prisoner rehabilitation, with special emphasis on job and job-training programs.

Finally, we have no illusion that the recommendations we have made here about employment and training for employment, even if fully implemented, will meet the immediate needs of all offenders. A lamentably large number of members of the correctional population are so educationally deficient, so lacking in self-confidence, so hostile to society, that before they will be able to learn vocational skills, much less work at them

as free men, they must undergo extensive schooling and therapy and controlled experiences in community living. Enlightened correctional authorities in many localities and states, and in the Federal system, are devoting themselves to these problems. We applaud their efforts and urge that they be given every possible Federal support, by the Departments of Justice, of Labor, of Health, Education and Welfare, and any other agency with technical expertise or funds that can be applied to this all-important purpose. Only to the extent that offenders are made employable can employment programs for them be worthwhile.

PART III

Regional Institutions and Programs

Inefficiency and ineffectiveness due to jurisdictional fragmentation are pervasive and endemic in America's correctional system—as in its entire system of criminal justice. Thousands of administrative units in villages and rural counties are too small to provide any services at all to offenders, and even some of the sparsely populated states cannot afford the facilities and services needed for offenders whose problems are in any way out of the ordinary. At the other end of the spectrum are those big-city, big-state systems that are so grossly overcrowded that their personnel barely manages to keep them going administratively, and has little or no time for any work in the field of rehabilitation. Gross inequality of institutions and services from jurisdiction to jurisdiction is the rule in corrections. One state may be relatively generous to corrections, while its neighbor may be parsimonious to the point of demanding its system show an annual profit. The penal code of one state may be liberal about probation and parole, and that of its neighbor restrictive. The misde-meanants in one county may be put to useful work during their incarceration, while in the adjoining county people serving the same sentences for the same offenses may sit idly in their cells.

The political and financial, not to say the Constitutional, obstacles to converting this vast nest of eels into a rational system are formidable. However, there are a few promising and inexpensive steps toward regionalizing or pooling facilities and services that could be taken right now to eliminate some of the system's anomalies and correct some of its injustices.

Jails

The most glaringly inadequate institution on the American correctional scene is the one that affects more human lives than any other—the jail, be it county or city. According to the report of the Corrections Task Force of the National Crime Commission, there were 3,473 jails in operation in 1966, about three-quarters under county governments, the rest under cities or cities and counties combined. During 1966 the number of persons held for the service of a sentence—as distinct from suspects being detained pre-trial—was 1,016,748, and the average daily population of those serving sentences was 141,303. A jail can be anything from a two-cell hovel in a small rural county to a concrete and glass skyscraper in a big city. Whether it is one or the other of those or, more likely, something in between, more often than not the living conditions within it are squalid, whether because of obsolescence or overcrowding or just plain indifferent housekeeping by the staff. And the vocational, counseling, educational, psychological and even medical services and programs it offers its inmates range from skimpy to nonexistent.

The anomaly of this situation is that offenders who commit small transgressions against society are treated more harshly than those who commit large ones—for, with a few egregious exceptions, both living conditions and correctional programs are far better in state prisons than in county jails. And the pity of the situation is that the small transgressors who make up the bulk of the jail population, many not being as yet confirmed criminals, may well be more susceptible to rehabilitation than prison inmates. We believe that if jails—and juvenile detention homes—did as much as they should do in the way of rehabilitation, a great many fewer young men and women would choose to pursue criminal careers than now do. If prisons confirm many offenders in crime, jails first turn them toward it and, in that sense, are the real “schools of crime.” But be that as it may, the conditions that prevail in many jails are so abominable that they are nothing less than an affront to common humanity, and every American who knows the facts, regardless of his philosophy about corrections, must insist they they be drastically bettered. We recommend:

The Federal government, through subsidies, should encourage individual states or combinations of states to establish, by conversion or construction, regional jails of approved standards of construction and operation for persons serving sentences of more than one month or less than one year.

We further recommend:

The Federal government should withhold all subsidies for conversion or construction of correctional facilities of any kind in any state that fails to initiate a program for the establishment of regional short-term institutions where needed.

There are two corollaries to the above.

First, large local jurisdictions should be encouraged, by a system of subsidies and standards, to establish county or metropolitan Departments of Corrections, so that not only jails but also juvenile detention halls and adult and juvenile probation services would be under professional correctional administrators.

Second, every local jurisdiction should be encouraged, again by a system of subsidies and standards, to reduce its local jail population. Two ways of doing this that many jurisdictions already have adopted are to institute special programs for chronic alcoholics, who now make up perhaps half the jail population, and by bail reform, so that as few suspects as possible undergo pre-trial detention for lack of money bail.

Juvenile Detention Homes

To say that juvenile detention facilities in well-organized local jurisdictions are, on the whole, better than adult facilities is not to say much. What is more to the point is that the basic deficiencies of the jail system—overcrowding, obsolete facilities, unprofessional supervision, inadequate programs—can be found in somewhat less aggravated form in the juvenile detention system as well. And, of course, in those small or poor or callous jurisdictions where there are no separate juvenile detention facilities the situation is far more aggravated.

Part of the solution to this problem, clearly, is to expand programs under which juveniles are released—to their parents, to foster homes, to a social agency of one kind or another—rather than detained. More juvenile offenders are detained today than need be. We urge the Law Enforcement Assistance Administration to search with special diligence for programs of release for juveniles, and to fund them generously.

A second part of the solution may be regionalization, as with jails. No doubt removing a child or youth from his family would work a hardship on both him and them, but it is a hardship that can be better borne than the damage an inadequate and squalid local detention home may do him.

In sum, we have only one specific recommendation about juvenile homes other than those we have made about jails. We recommend:

The Federal government should withhold correctional funds from any jurisdiction that does not have detention facilities that separate juveniles from adults, or at the very least a plan for creating such facilities at once.

***Offenders Who Have Been Adjudicated
Mentally Abnormal or Deficient***

The Joint Information Service of the American Psychiatric Association and the National Association for Mental Health has recently completed a national survey of the resources currently available to meet the needs of adult mentally ill offenders, who always have posed a very difficult problem for the entire criminal justice system.

A significant finding was that nearly 40 percent of all offenders admitted to the state hospitals or psychiatric wards the survey covered were being held for competency determination pending trial. The survey did not inquire into how much of their time the professional staffs in those facilities spend on diagnosis and on testifying at competency hearings, but one can reasonably suppose that it is a substantial enough percentage to reduce sharply their ability to administer therapy to the offender patients under their care.

We believe that both increased administrative efficiency and improved therapeutic care for offender patients would result from relieving the staffs of treatment facilities of the responsibility for diagnosing those charged with crimes, and lodging it in special community mental health centers. There, the staffs of such centers could do the diagnostic work for the courts, and develop experimental programs for dealing with special kinds of mentally ill offenders in collaboration with the police, the courts and corrections. We recommend:

The Federal government should establish centers in selected metropolitan areas for the purpose of providing diagnostic clinical services to both Federal and state courts, and to offenders on probation and parole.

Some offenders who are hospitalized for mental illness are being reasonably well treated in existing state facilities. Others receive little more than bed and board; the psychiatric therapy, the education, the skill training and vocational guidance that have a direct bearing on their behavior after discharge—or, for that matter, on their eligibility for discharge—are inadequate or even lacking altogether. A chief reason

for such deficiencies, where they exist, is that many jurisdictions do not have enough offender patients to justify the operation of up-to-date, full service mental health programs and hospitals for them. We recommend:

The Federal government should establish regional mental health programs and institutions for offenders, in which the states should be permitted to board prisoners needing such care at one-half the per capita operating costs, including treatment.

The fifty-fifty figure for cost-sharing is arbitrary, but the principle behind it is not. In our opinion, even if Federal regional mental health facilities were vastly superior to state ones, no state would make much use of them unless lodging a patient in one cost it no more than keeping him in the state.

The Long-Term Tractable Prisoner

In every prison system there is a small percentage of offenders who, although presenting minimal custodial problems, are serving life sentences or their equivalent. Programs of counseling, vocational education and the like are irrelevant as far as they, and the correctional authorities, are concerned. They need constructive employment, but few state prison systems have sufficiently well developed industrial programs to provide it. Moreover, the current trend in many institutions is in the direction of using industries less for productivity than for on-the-job training in preparation for release into the community. We recommend:

The Federal prison system, which has as good a prison industries organization as any in the country, should accept long-term tractable prisoners from the states on a low-cost basis. Existing Federal prisons could become the regional facilities for this kind of prisoner.

A corollary to putting the above proposal into effect would be to divert certain prisoners now in the Federal system to the states. For example, there is a large number of Federal offenders who violated a state law at the same time that they violated a Federal one. We call attention, especially, to those convicted under the Dyer Act, which makes it a Federal offense to transport a stolen vehicle across a state line. More than 3,000 Dyer Act violators are committed annually to the Federal Bureau of Prisons, which is not only inappropriate use of a statute designed to deal with professional car thieves, but also costs the Federal government better than eight million dollars a year. Dyer Act offenders who are not profes-

sional criminals or members of car-theft rings should be left to the states to prosecute. The substantial savings made possible could be spent to better purpose on operating regional institutions and programs, which ultimately would be of financial benefit to the states.

A second group that might be diverted from Federal to state facilities are the between one and two thousand Federal prisoners serving sentences of a year or less.

The Narcotic Addict

Though many cities and states have programs of one sort or another for narcotics addicts, and the big states of New York and California, where many of the country's addicts reside, have extensive programs of civil commitment, the extent of the problem is such that much more must be done. Federal help is needed, especially, for those many metropolitan areas where the number of addicts, though large enough to cause serious concern, is not so large as to justify embarking upon the kind of elaborate program of long-term treatment and supervision that experience indicates is essential to making headway against addiction. Regional facilities, each one of which could handle patients from several such areas, appear to be a sensible way to deal with the problem, and the United States Public Health Service, with the great amount of knowledge it has acquired over the years from operating its institutions for addicts in Lexington and Fort Worth, is well suited to fill the gap in those regions where there is as yet little local expertise. We recommend:

The Federal government should establish regional care and treatment programs for narcotic addicts.

Such programs should, of course, be situated in metropolitan areas, perhaps in existing facilities in Veterans Administration hospitals.

Recent legislation that authorizes civil commitment of addicts by United States courts has two serious defects, in our opinion. One is that the program is available only to "first offenders", a term that has little practical meaning when applied to addicts, since as a rule an addict does not come to the attention of the criminal justice system even for the first time until he is a veteran user. The other is that it does not call for intensive post-detoxification supervision, which we believe is essential in any treatment program for addicts. We recommend:

The Federal government should restudy its program for addicts with a view to making it consistent with the best current practice in the field.

The Problem of the Female Long-Term Offender

Only a few states have a large enough number of female prisoners serving long terms to justify establishment of separate, well-staffed institutions. Such states as Idaho, New Mexico and Utah have fewer than fifty such prisoners at any given time; some have scarcely any. The Federal government operates two institutions for females, one in the east and one on the west coast, with none in intermediate locations. In addition, many county jails have female prisoners serving sentences as long as six months to a year under the most inadequate circumstances of housing and program. We recommend:

The Federal Bureau of Prisons should study the need for establishing, in appropriate locations, regional institutions for female prisoners to accommodate such prisoners in institutions with a capacity not to exceed 300 each.

Such institutions should be built or converted at Federal government expense, and the states should be permitted to board female offenders in them at one-half the per capita cost of operation. We note that inter-state compacts have been negotiated in some regions, but financial, political and administrative difficulties have militated against their successful operation. Some of these problems might be solved, at least in part, by Federal participation in the capital outlays and operating costs.

PART IV

Toward Community-Based Corrections

The argument for conducting as much of the correctional process as possible in the community rather than in custodial institutions is a simple one. What is wrong with most offenders is that for any number of good or bad reasons they are unable or unwilling to respect the standards of the community, to adhere to its customs, to fulfill their obligations to it, or use to advantage the opportunities it provides. Hence "correction" or "rehabilitation" or "reintegration"—use what polysyllable you will—is at bottom a process intended to give offenders the ability and the desire to be good citizens. The difficulty of pursuing this objective in the authoritarian, monotonous and, above all, artificial environment of a jail or prison is obvious; you do not train aviators in submarines.

The way to learn how to solve the problems of community living is to tackle them where they exist. The way to learn to understand and appreciate community life is to become immersed in it.

However, if offenders could do this on their own, most of them would not have become offenders in the first place. They need help and supervision, a great deal of both. As things stand now, most of that two-thirds of all offenders who do live in the community—i.e., those on probation and parole—receive little of either. The prime, though not the only, reason for this is numerical. There simply are not enough probation and parole officers. The National Crime Commission suggested that a proper ratio of officers to offenders in a probation or parole service was one to thirty-five. It found that most adults on probation, including felons, reported to officers with caseloads of over 100, and that parole officers and juvenile probation officers were in only slightly better straits, with caseloads that commonly ran around 75. It does not take much of a mathematician to calculate how much time, on the average, an officer with a caseload of 100 can spend on each of his cases during a 175-hour working month—even assuming he writes no pre-sentence reports and does no other paperwork or traveling, which actually consume as much as half of the time of many officers. In this connection, we note that many probation and parole officers spend much of their time on routine investigatory and reporting duties that could be handled just as efficiently by paraprofessionals, thus freeing them for the expert counseling and guidance work they were trained for. We recommend:

The Federal government should grant funds to the states and localities for the training and employment of substantially greater numbers of qualified probation and parole workers, both professional and paraprofessional.

Along with adequate numbers, adequate training is the key to effective programs of probation and parole. Thorough, up-to-date training programs, pre-service and in-service, cost a great deal more money than any small jurisdiction can afford and most large jurisdictions have so far been willing to spend. This is particularly true of in-service programs, which are the best possible means for seeing to it that working professionals keep abreast of new developments in the field and have an opportunity to exchange experiences with colleagues they otherwise might not meet. We recommend:

The Federal government should establish regional training programs to provide continuing in-service training for probation, parole and all other correctional officers.

We further recommend:

The Federal government should promulgate national standards for parole and probation services, and condition its aid to the states and localities on their willingness and ability to meet those standards.

In connection with the last recommendation, we suggest that the American Correctional Association's *Manual of Correctional Standards*, a revised edition of which is now in preparation, might be a useful guide to those entrusted with formulating national correctional standards not only for institutions, but also for services. The accreditation plan for correctional services the Association is now developing also merits Federal attention and, in all likelihood, support.

Probationers and parolees are, of course, people who have been through the full criminal process from arrest through sentencing—and, in the case of parolees, incarceration. There is also a part to play for corrections—or, if “corrections” is the wrong word under the circumstances, for people who also perform correctional services—with respect to certain defendants against whom criminal or delinquency charges have not yet been adjudicated, and sometimes also with respect to their families. This applies especially to children and young people. A prudent rule to follow for those wishing to conserve both human and fiscal resources, is that whenever an offender, especially a juvenile offender, can be diverted from going through the full criminal process without jeopardizing the safety of the community, he should be. However, this kind of diversion, which, of course, presumes the consent of the offender to a carefully worked out alternative to trial and punishment, is possible only if there is available in the community pre-adjudication services of many kinds: diagnostic, therapeutic, counseling and guidance, educational, employment, the entire spectrum. We recommend:

The Congress should enact legislation and appropriate funds for the creation, within existing community and mental-health facilities, of special units to provide pre-adjudication (as well as post-adjudication) services of all kinds to defendants, and information about defendants to prosecutors and judges, with the object of diverting as many defendants as possible from full criminal process.

We further recommend:

The Federal government should fund an experimental program to determine the effectiveness, first, of pre-trial counseling and supervision of defendants and, second, of deferred adjudication of certain defendants under probation.

One way of stimulating diversion, as California has demonstrated with its “probation subsidy” program, is for states (under the Safe Streets

Act) to reimburse local governments operating programs that succeed in keeping both defendants and convicted offenders out of penal institutions.

Juvenile offenders rather commonly, and sometimes adult offenders also, are members of so-called "multi-problem" families—families that have a host of difficulties, financial, medical, marital, criminal, educational and so forth—and are the objects of attention of half a dozen different social agencies, from welfare agencies to the police. It appears probable that the best way to rehabilitate many offenders who are members of such families is to treat the families as a whole, not just the offenders as separate individuals. One program along these lines that appears promising, though its results are still not conclusive, is the Family Centered Program in Columbus, Ohio, operated by the probation service. It deals with recidivist delinquents in multi-problem families by using intensive case work on the family, coordinating the work of all the agencies that deal with it, and insisting on uniform documentation. It is a kind of experiment that should be tried in other localities. We recommend:

The Federal government should undertake a demonstration project to test the effectiveness of non-institutional therapeutic family-oriented programs for treating offenders from multi-problem families.

In some ways, only an ex-offender can understand fully the problems offenders face upon their return to the community. The use of ex-offenders as counselors to probationers and parolees is already being explored. That exploration should be intensified. We recommend:

The Federal government should extend its support of demonstration projects to test the effectiveness of using ex-offenders as counselors to probationers and parolees.

Finally, as we noted in the introductory part of this report, the feasibility of a comprehensive program of community-based corrections depends on the attitudes of the community itself. The community must be more than passively accepting; it must be actively helpful.

This means that community organizations and agencies of every kind—schools, churches, settlement houses, family services, mental-health clinics and all the rest—must develop a desire to help offenders and an expertise about their special problems, so that a policeman has somewhere else to take a wayward child than to the lock-up, so that a judge can order probation for a person in the reasonable expectation that a wealth of community resources are accessible to that person, so that a parole officer can get the kind of expert help he so often needs.

It means that newspapers, radio and television should expand their interest in corrections to include its workaday problems and achievements, rather than confine their reporting, as so many do, to scandals and riots and the lapses from grace of "ex-convicts"—a favorite word in the media.

It means that homeowners' and businessmen's groups should think about human lives as well as real estate values and the "tone" of their neighborhoods when proposals for halfway houses here or there are made.

It means, as we said at length in Part II, that jobs and training for jobs should be easily accessible to ex-offenders.

One very specific way of easing an ex-offender's way through life is to make sure that his criminal record is not permanently attached to him. We recommend:

The Federal government should adopt, and urge the states to adopt, legislation that would, with appropriate exceptions, prohibit non-judicial use of a misdemeanant's criminal record after a defined period of time; in the case of felons, legislation should provide that, after an appropriate period of law-abiding behavior, the supervising agency could recommend pardons for them.

In sum, making a place for ex-offenders in their communities rather than giving them the cold shoulder is one way to help convince them that there is another life besides one of crime.