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Extract from the Constitution of the American Society of Criminology: (Article III)

III. Membership
A. Active members shall be:
   Those engaged in teaching, research, and administration in criminology as defined in the Preamble.⁹
B. Associate members shall be:
   Such others persons as the Executive Committee shall find to be eligible.
C. Student members shall be:
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D. Honorary members shall be:
   Those persons who make outstanding contributions to criminology.
E. Membership shall be achieved only by a majority vote of the Executive Committee except that Honorary members must be elected by unanimous vote of the Executive Committee.
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⁹Preamble
The term criminology as used hereinafter is defined as a study of the causes, treatment, and prevention of crime; law enforcement; criminal justice; corrections; and allied fields.
Correctional Institutions
In A Great Society

It is an old truth in social science that technological change occurs at an exponential rate. Not only are we changing rapidly, but our speed in changing is increasing all the time. This can be illustrated in innumerable ways. For example, some people in this audience may, like me, recall the 1920's or 1930's, when they travelled across the country by automobile or train at a speed which rarely exceeded 50 or 60 miles per hour. It was not until the late 1940's and the 1950's that airplane travel became a very popular method of long distance travel, and it made our speed more than double. For propeller driven planes flew at from 150 to 250 miles per hour. But only six years ago the mode of cross-continental travel changed once more, again more than doubling our speed. Today in commercial jet liners we think nothing of travelling 550 to 650 miles per hour.

Many other indices of the rapidity of our change could be cited. Most of us in this room probably have anywhere from 20 to 50 years of additional life expectancy. With the world changing at an increasingly rapid rate, the next 20 years are likely to see much more extensive change than have the last twenty. What will these changes be and how will they affect corrections?

PROSPECTIVE SOCIAL CHANGES

We should, of course, realize that it is not just technology that changes, but also social life, since it is highly dependent on technology. We have all seen social consequences of the mechanization of agriculture, the tremendous increase in automobiles (now exceeding one per household) and the appearance of television in almost all households in less than 20 years. With the remarkably rapid disappearance of the horse and mule, the South's share-crop and tenant farming system largely dissipated, and most of its rural populations moved into the cities of the North and South. Our civil rights controversy and the Negro revolt stems in large part from the development of mechanical cotton pickers which shifted most cotton growing from East to West of the Mississippi in the 1950's, and changed the pattern of rural life in the South.

Today we are going through what is probably the most important change process in our history, a change in the distribution of income. In the so-called underdeveloped countries, as in the feudal period in Europe, the distribution of income can be graphed roughly in the shape of a narrow stemmed vase with a wide base. There is a large segment of the population at the bottom with low income, a very narrow part of the population—the narrowneck—with intermediate incomes, and a cluster of persons at the top with extremely high incomes, who own land equivalent to entire townships and even counties. With industrialization, but at the cost of a revolution in most cases, there is a growth of a middle class. The distribution of income then approaches a pyramid as a larger proportion of the population is involved in skilled trades, white collar jobs and the professions, with incomes intermediate between the very rich and the very poor.

With advanced industrialization today we are approaching a distribution of income which will change from the pyramid to something like a diamond shape. There will be relatively few very poor people and relatively few extremely rich people in comparison with the larger numbers in a middle income range. We have already moved far in this direction, and this movement seems likely to be much accelerated in the next ten or fifteen years.

Automation today is progressively reducing the number of unskilled and semi-skilled low productivity jobs. At the moment about one-fifth of our population is described as in a state of poverty, with family incomes of less than $3,000, but our so-called war on poverty eventually will make considerable inroad on this chronic problem group, so many of whose members are perpetually on relief. We are investing heavily in paying people to learn to work at jobs where their services can command a reasonable income. New school programs should reduce the frequency in the next generation of the educational deficiencies which today handicap so many persons who are chronically poor.

Although disparity in income is the main problem related to crime on which we are concentrating our national attention, there is another consequence of rapid technological change and urbanization that should concern this National Institute on Crime and Delinquency. I refer to the changed pattern of transition from childhood to adulthood which distinguishes advanced industrial society. A distinctive feature of modern life is the increased extent to which children interact primarily with persons of their own age level. Formerly, there was more work in the home which required interaction between children and parents, and gave children responsibility to the rest of the family. Now the reduction of drudgery in house work, with new appliances and prepared foods, has reduced household demands on both parents and children. With a larger proportion of the married women employed, and with the increased size of our schools, children have a larger percentage of their time in personal relationships exclusively with their
own age mates. This is in contrast also with former days when a large proportion left school early and stepped immediately into an apprenticeship relationship to an adult skilled workman.

Isolation of children in their own world is especially characteristic of the most crowded sections of our city, the slum areas where crime and delinquency come most dramatically to our attention. However, it is also more now than previously a characteristic of better residential areas in metropolitan regions, and even of rural life. It is especially the out-of-school and out-of-work group which lives in a social world that is homogeneous in age. Increasingly, youth who are isolated socially from other age groups have the distinctive characteristic of any isolated social group, the development of their own standards and styles of life. They have their own goals of consumption, standards of dress and language, and value systems. While this condition has always existed to some extent, it has been progressively made more extensive as a result of the technological changes which make age homogeneity a larger part of life between childhood and adulthood.

CONSEQUENCES FOR CRIME

These social changes bring shifts in the nature of crime. Most notable is the reduction of the former link-age between young delinquents and adult professional criminals. The latter are no longer so concentrated in the slum areas, as their income and organization permits them to live in better residential locations, and they need not operate on the streets as predominantly as they once did. The slum itself, with dislocated populations from housing projects and urban renewals, no longer includes such close-knit communities as integrated the criminal world in the 1920's and 30's, when the classic accounts of slum life, delinquency, and crime were written.

One dramatic change in the nature of crime which is distinctly associated with this increase in the age homogeneity of youth social life is the change in the nature of narcotics usage. In the 1930's and early 1940's most of the commitments to the federal narcotics hospital were from rural areas, with Texas being the state with the largest contribution. Today a majority of the commitments are from New York City, even though there are local narcotics hospitals there. Formerly, the narcotics addict was disproportionately white and middle aged, while now he is disproportionately from minority groups and most are under 25. Previously crime seemed to follow a narcotics habit, if it was linked with it at all, whereas increasingly now narcotics follows an introduction to delinquency and crime, in an out-of-school and out-of-work youth population. The narcotics addict today expresses a sub-culture in our society with new goals, in which the youth work hard to procure what they conceive as distinctive elite experiences. They conceive of themselves, from the perspectives of their peers, not as escapists, but as persons with a sophistication which those of the "square" world do not share. This compensates them psychologically for their failure in legitimate pursuits.

Another indication of the impact on crime of the increasing age homogeneity in youth social life in the adolescent and youthful years is simply the increase in the extent to which crime is a phenomenon of youth. Auto theft is committed by persons most of whom are less than seventeen years of age. Half of the persons arrested for burglary in this country, and half of those arrested for larceny, now are less than eighteen years of age. Half of those arrested for robbery are less than twenty-two. More of what crime we have seems to be expressive conduct of youth in a world of their own.

Another interesting phenomenon which has not yet affected the crime situation radically is the greatly increasing extent to which persons in old age live in isolation from younger people. Not only are we losing the three-generation household in which grandparents, parents and children are in contact with each other, but the extension of life by medicine, the development of social security, and especially, the growth of private pensions systems, separates the social world of the aged. In conjunction with the great geographical mobility of our population now, there is more disorganization in old age. The evidence of the relationship of old age to crime is found mostly in the misdemeanor courts, particularly with the arrestees from Skid Row, but it is a phenomenon likely to grow.

What I have been saying thus far is that more rapid change than ever is likely, and it is well for us to be able to anticipate it. I have been saying that we are likely to see some changes in the characteristics of crime, and in its age distribution. I am not pessimistically forecasting that we shall necessarily see an increase in actual crime. There are several reasons for believing that the actual rate of crime may already be on the decline. If so, one factor may well be the increased investment of government agencies in effective means of combatting crime. The war on poverty is placing more and more youth into work experience and increasing their qualifications to continue work on their own in adult roles. Although this process is wasteful and frequently unsuccessful in the short run, it should offset what would otherwise be an increasingly prolonged transition from childhood to adulthood for the out-of-school, out-of-work population. Police service also is becoming more efficient, despite its problems in the courts. Most important, it is becoming increasingly preventive in the juvenile areas.

But the primary anti-crime factor in the immediate future, in my opinion, is the general educational upgrading of our population. It has always been true that violent reaction to rebuffs, and willingness to risk arrest and prosecution by stealing, are more accepted—even expected—among the less educated than among the
more educated. The more educated have most to lose by overt crime, and are more conditioned against it. I am, of course, not referring to so-called "white-collar" crime, but to the offenses most often prosecuted in our felony courts.

It may well be that much of our crime rate on paper is not something that represents more crime now than we had 30 or 60 years ago. It may simply be a greater use of public agencies, notably the police, in dealing with crime, now that societies are scattered and communities are more disorganized worlds of strangers than ever, so that there is less settlement of conflict outside of police offices and courts. One suggestion of a decline in actual crime is the fact that murder rates have been cut almost in half in the past 30 years.

IMPACT ON CORRECTIONS

The most relevant aspect of the rapid social change for this audience is the probable growth of new types of correctional agencies. These will be correctional institutions in the city, replacing the present predominance of prisons and training schools in rural areas. This will be a consequence of the growing movement to graduate the release process, and to increase the contact of institutionalized offenders with beneficial persons in their home communities.

If a released offender is to obtain success in a non-criminal social life, and in legitimate occupational pursuits, he must achieve this success outside of the institution. It must be a success which he can maintain in the community to which he will be released. Obviously, with social needs, income needs and expense management problems all extreme, and all confronting a released offender at once, his chances of success would appear to be less than they would be were he able to face these problems one at a time, or to face them all gradually. Therefore, the first distinctive feature of the correctional institution of the future is that release from it will be gradual, even more gradual than by current types of parole. In this way, the offender can gain experience in pursuing a social life among non-criminal persons and in earning a living on temporary or part-time release, while he still has both some constraints, and some guarantee of subsistence in case he is unsuccessful in earning his own needs. This means a half-way house or work-release type of institution. This also makes counselling available immediately when a release encounters problems in the post-release world, rather than just at an institution far in advance of his post-release experience, or at a parole office appointment weeks or months after difficulties occur in the community.

It seems obvious that institutions which achieve this will be institutions geographically close to the release destinations of most of their inmates. This will, in most cases, be in large cities, since this is where the vast majority of offenders come from. If inmates are to be released from them to pursue lives as free individuals for part of the day, they must be institutions in which men have the clothing and other paraphernalia, including pocket money, necessary for ordinary life in the free community.

Correctional institutions in the future are fore-shadowed by the growing number and variety of halfway houses. These new institutions will be a transition between the traditional places of long confinement and outright parole. The distinctive American contribution to corrections I suggest, though not by any means absent from experience in other countries, may well be the pre-release guidance agencies that the Federal Bureau of Prisons is pioneering and which several other American correctional systems have also developed, notably California. Since these institutions must blend into the community, it seems obvious that they will be small establishments. They will be in conventional residential type structures such as apartment houses, family type residences or even segments of large low-price hotels.

Simply having these small structures will not necessarily suffice to prepare every kind of offender for success in the free community. It seems obvious that many men need a long period of intensive work and academic training before they are likely to be capable of successfully competing for a legitimate income. Many may also need an appreciable period in which to become isolated and alienated from the associates with whom they had success in crime and delinquency. Only in this way can they develop a new experience of success and gratification in non-criminal pursuits. For the latter type of experience they will need to be in close rapport with individuals who can bring them this type of successful experience, but are not so different in background as to be incapable of gaining rapport with them. This can occur in an institution that is like the typical institution of today only in being removed geographically from the large cities where most of the offenders reside. Indeed, because of our investment in the huge prisons, these new kinds of programs may be in traditional penal edifices. However, the staff at such institutions may include successfully rehabilitated ex-prisoners. Pioneering in this kind of operation are a variety of experimental institutions in California, North Carolina and Alabama, where parolees or even discharged prisoners have been voluntarily or on an employment basis engaged as counsellors in prison education and guidance programs. These institutions will also take advantage of what we are learning from the current vast amount of research and experimentation on new ways of teaching, particularly programmed instruction, for persons who have been long-term failures in traditional schools.

However, most significant will be the extent to which institutional treatment is entirely replaced by new kinds of community treatment. This will be community treatment with almost as high a staff to subject ratio as current institutional treatment—perhaps one staff member
to every six cases—but without the subsistence and overhead costs of institutions, and with much more effectiveness. It will also involve markedly different styles of treatment for different types of offender. All this is foreshadowed by the dramatic success of the California Youth Authority’s Community Treatment Centers, which have so successfully treated after an immediate parole 75 per cent of the boys and 92 per cent of the girls from a random half of all those committed to institutions from Sacramento and Stockton. The future pattern for most of the country probably is indicated by the California Youth Authority’s plan to build small regional reception centers primarily for diagnosis, and to serve as bases from which diagnosis probably will be followed, for most cases, by immediate parole and intensive community treatment.

Another development which seems to be emerging is the tremendous growth of research as a routine operation of correctional agencies. Just as manufacturing became rationalized, as the economists say, by the introduction of modern cost accounting and quality control, so crime control is likely to be guided increasingly by statistical feedback on the effectiveness of its various policies and practices. We are seeing the day when new practices are not merely innovations; instead they are introduced as controlled experiments, to a randomly selected treatment group separated by purely chance methods from a control group, so that the post-release records of those receiving a new program can be compared with the records of a fully comparable group that did not receive it. Increasingly, the operating records of correctional agencies are likely to be standardized, and designed for more efficiency, both to improve their value to operations and to make them amenable to statistical analysis for research purposes.

Finally, research is pushing into new areas that were previously insulated from objective study. I refer particularly to research on the police and on the courts. The selection processes, which they control, determine who is defined as a criminal in our society, and they greatly influence the consequences of this definition. The process of convicting and sentencing a man has increasingly been recognized, through cooperation of sociologists and lawyers in research, as something quite different from what the lawyers study in statutes and in the opinions of appellate courts. Research emphasizes the informal settlement of cases as their predominant solution. This emphasis directs attention to the “station adjustment” activities of the police, and to the bargaining process of the courts; these processes replace or pre-determine the formal procedures in court in a major portion of criminal litigation.

We are learning that in treatment institutions much of what seems like success is simply an adaptation of the inmate to institutional life. The hard evidence of success is absence of post-release criminality, which American correctional officials have been notably lax in tabulating. While much of this laxity is due to the inaccessibility of FBI fingerprint records for research purposes, a tremendously important body of knowledge on the effectiveness of correctional practices is possible simply from tabulation of the correlates of recommitment within a state’s correctional system, and of the state prison’s notifications when one of their releasees is imprisoned elsewhere. All of these are likely to become the basis for profit-and-loss statements in future correctional bookkeeping.

CONCLUSION

Inspired by the theme, “Challenges of Change,” I have risked prophecy. But the risks do not seem great, because the trends I have predicted already are well initiated. And it should be stressed in conclusion, as at the start, that the changes we shall face are never in corrections alone. Technological change is the dramatic prime mover in the modern world. Social consequences follow all major technological changes. From those there follow alterations, both in the nature of crime and in ways of coping with it. And all of those changes are occurring more and more rapidly.

Dr. Daniel Glaser is Professor of Sociology at the University of Illinois. This paper is a revision of one presented at the National Institute on Crime and Delinquency, Detroit, June 15, 1965. Address: Urbana, Illinois.
The Criminologist In An Action-Program World

Beyond the normal theoretical, methodological and analytic problems necessarily involved in any scientific undertaking, the contemporary criminologist is faced with several additional problems (or decisions) particularly as they relate to that recent American phenomenon: Delinquency-Action programs. The first set of decisions relates to Research Priorities, i.e., the ordering of possible projects that should be undertaken at the present time, based on their relative profitability. There are, of course, varying definitions of "profitable". From some exulted, towering, all-inclusive view of the entire range of the social sciences, the individual researcher, depending on his competence and objective analysis, determines what research he feels might bring us closest to the ultimate concerns of criminology: awareness of casual factors and relationships, or the creation of viable, effective programs for eliminating or keeping social deviance to an irreducible minimum. One might suspect that perhaps the best means of determining this particular scaling might be by securing the general consensus of professions in the fields of criminology and delinquency. Unfortunately, Wilkins recent national survey of academic criminologists and practitioners in the field seems to have found that there was nothing like agreement on what projects should currently be undertaken. (Even more disappointing were the sterile suggestions made by this same group when asked to suggest possibly effective treatment or prevention programs.)

Another view may be that of individuals who decide, after considerable soul-searching self-appraisal of their own talents, skills, penchant and limitations, the research they are particularly qualified to carry out. One hopes that the research would not be deterred if his particular capabilities lies in some currently unfashionable area of investigation, for this still remains where his greatest contribution can be made.

A third listing would be by the several agencies, governmental and private, which are sporadically interested in and actually grant funds for fundamental research. Within their own ideosyncratic criteria they decide what they will or will not sponsor.

Finally a vastly different ordering of research priorities would be produced by the various action program agencies who are involved with what can be done about the problem of delinquency now. They are concerned with immediately effective prevention, rehabilitation, or treatment programs and give little concern or place a low valuation on "pure" research, i.e., research whose findings are not immediately applicable to their particular pressing interests.

A second problem area concerns the Sponsorship of Research and the Role of the Researcher. Scientific inquiries may be, first of all, based on no outside funds which gives the investigator the greatest freedom but permits only the most restricted scope of field operations. Secondly, the work may be sponsored by some instrumentality, which permits the creation of more ambitious projects which are of interest to the granting agency. The criminologist is now a persuader for he must convince his potential sponsor as to: 1) the importance of the proposal; 2) the proposal lies within the purview of the granting agencies; 3) the project can and will be successfully completed; and 4) the applicant is uniquely qualified to carry out the study. Finally, research may be viewed as a minor, ancillary, but sometimes legally required, part of a larger Action program. (Governmentally sponsored projects frequently must use a certain small percentage of their funds for research—a sop to Cerberus.) To reiterate, these programs see their major function as producing dramatic solutions to "crime in the streets" which, it may be recalled, was one of Coldwater's few effective issues in the recent presidential campaign. Under these conditions, the researcher may suggest, advise and perhaps measure the impact of the programs. To some extent his role within these programs depends upon when he joined the organization. If this was at the very outset, he may actually contribute to the overall design of the project, whereas if he is engaged after the programs have been structured and financed, his major contribution will be in developing "necessary" research. Not infrequently he plays a secondary role of legitimating the entire program. He is the visible manifestation of Science who is trotted out at appropriate occasions to demonstrate the truly scientific basis of the operation. In this capacity he is not unlike the "Scientist" on television commercials, with white jacket, glasses and the ubiquitous bunsen burner, making pronouncements about the relative efficacy of laxatives.

The criminologist soon finds that while research within Action-Prevention-Treatment programs is necessarily closely tied to the project, it is, nevertheless, often considered an unnecessary, cumbersome burden, particularly when compared to some more important "work" going on. His studies are usually restricted and hampered by policy makers and by all political pressures, both real and imagined. (In a recent survey of which I have some knowledge, the research staff was informed that they might ask no questions concerning incest, sexual behavior, political views or violent delinquencies.) One is forced to conclude that the researcher is primarily a contract laborer, operating as a minor functionary within a
rather rigid bureaucracy, who primarily carries out the decisions of the policy makers. These policy makers represent a new breed of entrepreneur, seldom having backgrounds in research or practical work in the field. They are, in effect, highly successful salesmen who first detect areas of interest for which funds may become available, then create a program that may be sold to a funding agency, sell the proposal to the appropriate group, and finally hire the necessary personnel to carry out the project. Thereafter, they assuage one and all as to the supreme importance of the project, its inevitable success and why it represents a major "breakthrough". Evaluated primarily by their ability to secure new and additional monies for their projects, as might be expected their interests are inconsistent and shift with the changing winds. Many who were deeply committed to President Kennedy’s pet pathology, delinquency, have recently re-oriented themselves to Johnson’s favorite problem, poverty.

If the researcher is so peripheral, held in such low esteem, why does he persist in joining these enterprises? Possibly he hopes, despite all these limitations, that something of real importance may still emerge, for the sums given to some action programs are sometimes very considerable, so that even a small percentage given over to research would permit the construction and execution of some very extensive (very expensive) studies.

It would be something of an oversimplification to assign all of the blame for demeaning criminology research to the few leaders of these projects who, in reality, are merely mirroring the low general regard held for the social sciences. The public feels that some areas are intrinsically scientific and others (the social sciences) are not, and when these latter groups claim to be sciences, they are really being pretentious and absurd. The mass media continually reassures us that sociology and criminology deal with commonsensical everyday facts, fully known to even the least literate reader of Time. Everybody knows the causes of delinquency. The litany begins with poverty, disorganization, discrimination and segregation, broken homes, illegitimacy, school drop-outs, etc. The only problem, from the public viewpoint, is that insufficient funds are available to eliminate these conditions, and thereby, eliminate crime and delinquency. (What will be said several years from now when the current programs have not eliminated, reduced or possibly even contained juvenile delinquency, remains anyone’s guess.)

Medicine is a “true” science and, therefore, we accept the need of medical experiments using treatment and control groups to test the value of some new, unproven drug. If a child in the control group is not treated and dies, though he would have lived had he been given the tested drug, this is considered tragic, but is considered a necessary cost for the advancement of science. What would the response be if a similar approach was suggested for the problem of delinquency? It might be suggested that we know pitifully little about factors associated with or causally related to juvenile delinquency and we are currently incapable of constructing an even moderately effective action program to prevent or treat the delinquents. Perhaps we should suspend for several years most current projects and put their monies and talents into less immediately pragmatic, but ultimately more useful, research. Based upon this research we would then be able to construct, test and confirm the most efficient techniques to “combat” delinquency. True a few potential delinquents currently being saved by an ongoing delinquency program would become official delinquents and some individuals in control groups would similarly acquire court records, but this should also be considered a necessary price that must be paid so that rather than perpetuating our trial and error, hit or miss approach, we may use some proveably effective programs in dealing with delinquency and crime. Such a proposal, one feels should (would) be rejected out of hand. There is an almost universal fear and dread of the delinquents and criminals roaming the streets. Something must be done immediately about the urgent threat of these hoodlums.

By some bizarre inversion of values we seem willing to accept the death of a child in a medical experiment but feel that his becoming a delinquent represents something more than we are able to bear.

Dr. Savitz is Associate Professor in the Department of Sociology, Temple University, Philadelphia, Pennsylvania. A resume of this paper was presented at the Fifth International Criminological Society meeting, August 1965.
Increasing Reliability And Validity In Juvenile Delinquency Research: A Methodological Critique

Joseph K. Balogh

Delinquent attitudes are conditioned by the exacting demands of modern life. Above all, the delinquent is not necessarily a distinct or unique human personality. Delinquency may very well be a way of life comprising a total complex or social matrix. This social matrix consists of attitudes, values, interests, and even personal ambitions. Green states that "Delinquency is group-oriented, hostile to all aspects of convention, and may become very sophisticated. It is, in short, a system of beliefs and values with a strong and stable tradition of its own, and its power goes beyond the individual or even the family, whose good motives to do well for its children have little material to work with." One thing is certain: there can be no simplification of the structure and dynamics of human behavior.

A systematic attempt will be made in this paper to provide methodological techniques for increasing reliability and validity in contemporary juvenile delinquency research. More specifically, scaling and sampling procedures, statistical techniques for purpose of measurement, the use of clinical tests, the element of bias, the role of the researcher and clinician, and finally some other methodological limitations in research will be analyzed.

The integration of the behavioral sciences in relation to this social problem, especially the psychological, sociological, and the psychiatric, are of paramount importance. The use of systematic and objective ideas for differential diagnosis in the classification of juvenile delinquency is vital. It is equally true, however, that no single approach can be utilized in a multi-faceted phenomenon as juvenile delinquency and still be universally applicable to all cases. Professor Lopez-Rey states that the prevention of juvenile delinquency is neither a scientific nor a medico-psychological problem that requires high specialization and thus the contribution of several branches of knowledge.

"Sociological problems seldom involve a simple relationship between A and B, but usually invoke a relationship between A, B, C, D and other factors." One cannot "formulate a law of crime causation—particularly so when the correlation which serves as the basis of the law is an untested one." There is a difference between causal and correlation. For example, "the trap is that one may accept as causal a mere correlation between an early fact and a later result, without discovering whether there is a sufficient link between them." A point of illustration according to Rubin is "the professor whose demonstration to his class involved a frog. Holding the frog in one hand he commanded it to jump. It leaped into his other hand. Next he severed the frog's legs. Then when he called 'jump' the poor frog did not move. "And so," concluded the professor for his class, "you note that when you sever the legs of a frog, he grows quite deaf."

One must constantly stress a control-oriented approach. The measurement of inter-relationship criteria such as interpsychic, constitutional, and group interaction also serve a useful purpose. An analysis of ecological factors involving temporal, spatial, selective, accommodating, and distributive criteria should be encouraged more frequently. The idea of correlating sociological variables with clinical data is excellent but this fact becomes increasingly more significant when integrated ultimately into the dispositional process. For example, the reliability r's of the ratings of say two psychiatrists ranging from .44 to .64 are not particularly high even if statistically significant. At most, this means that they are reliable only about 41 per cent of the time.

Control devices to achieve objectivity at all levels of juvenile delinquency research is most vital. The use of a table of random numbers to select the sample, training and orientation programs for interdisciplinary teams and personnel, and the use of well-qualified and experienced child psychiatrists for data gathering are most essential. If a schedule is employed, it is advisable to test the reliability of the items of the schedule against that of psychiatrists' rating by statistical means in order to test for intra-test reliability.

Where do we stand with respect to social research and juvenile delinquency specifically, and other related problems generally? How does research in the behavioral sciences compare with research conducted in the physical sciences? What are some inherent weaknesses in objectives, methods and techniques? Wilkins makes this provocative statement:

"Instead of each social research worker taking up vast projects and merely scratching at the surface of the problem, independent researches should be so designed so that they can be fitted into a larger pattern. The division of labor in the physical sciences has, perhaps more than any other single factor, been responsible for their rapid advance. Social Science must similarly divide its labour to permit one research worker to begin where others have left off, rather than at the moment, each starting more or less from the beginning."

It is mentioned frequently that as researchers we tend to be eclectic in relation to the disciplines, but on many occasions we become fractional with regard to the child.

Aside from a number of tests of operational validity (or reliability) we need an experimental design which
will give functional validity. The crux of the matter is not so much how consistently the psychiatrists, for example, agree with one another as it is: are meaningful categories being used to agree upon. And by meaningful, one means how successful is the outcome in comparison with other possible agreements.

The knowledge of early developmental data in arriving at a psychiatric or a social diagnosis is an asset. We need to be aware that certainly most habitual juvenile delinquents, or recidivists, have developed certain characteristic traits which, at our present state of knowledge, can be identified to best advantage from etiological factors.

Furthermore, we must differentiate between children "in need of help" and "potential delinquents."16 Along this line the Council of the Society for the Psychological Study of Social Issues states that "unless the utmost caution and care are taken, children who are 'identified' and labeled as probable future delinquents are likely to be treated and isolated as 'bad' children by teachers and others who are now subjected to the virtually hysterical climate of opinion concerning juvenile delinquency. Such treatment is likely to increase the child's sense of social alienation and, thereby, increase the probability of his becoming delinquent or of developing other forms of psychological maladjustment."13

"Juvenile delinquency is not a disease but rather an administrative category which joins together many behaviors, circumstances, and statures which reflects certain societal assessments and shortages for coping with deviance."12 In other words, as Rubin states, the element of chance plays a very important part, as do changes in administrative policy. It would appear that "social definition and self-identification are apparently large elements in the etiology of some delinquencies."13

Take the matter of the clinician. The clinician, who is obviously a patient-oriented person, can see nothing wrong with focusing on the actor rather than on the act. Focusing on the act is meaningful only if it is subordinated to the actor and interpreted in the light of his emotional make-up.

Unless this statement can be corroborated by research, this writer opines that it would depend on the personality and needs of the psychiatrist whether he would consider delinquents more disturbed and impulse-ridden than they are. The empirically oriented psychiatrist would be more interested in the amount of control over these impulses rather than the impulses themselves. A person with a neurosis, psychosis, or characterological problem may be beset by equally strong impulses and not act them out but develop symptoms which are detrimental mainly to his own personality rather than to society. A question can be raised for example as to whether Rorschach tests discriminate between juvenile delinquents or non-juvenile delinquents. At best, the Rorschach indicates whether there is acting out or other symptom formation, and what kind of ego and superego strength the person has. Conceivably, the TAT is a better instrument of prediction. The Rorschach is most useful in tapping unconscious needs. Rubin has said that the Rorschach does not provide an explanation of anything; on the contrary, it requires an explanation. 14

There are two kinds of research studies: 1. Exploratory study and 2. Experiment.15 Some researchers use the terms diagnostic and descriptive. Presumably, the diagnostic may relate more to the experimental while the descriptive may apply more to the exploratory. Kahn states that the exploratory study is tentative conceptualization and methodologically flexible. It formulates hypotheses in order to generate revelations of sufficient significance to warrant the utilization of experimental research. In other words, it is also descriptive to the extent that there is an attempt to measure surface factors in the problems being researched. Exploratory and descriptive research are not intended necessarily to be remedial. The emphasis is toward what is occurring primarily.16

The rules of research for experimental work are much tighter. The researcher may be interested in proving or disproving. He may or may not be interested in a specified relationship. Criteria of standards of reliability, validity, precision, and confidence levels must be adhered to. Diagnostic research may evolve as a secondary phase in that the results may point in the direction of remedial action. The research is now not only interested in what is happening but why it is happening and what can be done about it. More important is the fact that "the rules of the game may not be changed on route," at this juncture of juvenile delinquency research.17

Problems relating to prediction are both many and complex. The citizens' committee for children states that "all prediction is actuarial (deals with rates within groups), not individual."18 Prediction tables do not assist in the broad approach to prevention according to Rubin. Mannheim and Wilkins state that "prediction tables seem to us to have four basic requirements: Simplicity, Efficiency, Repeatability or Reliability, and Validity."19

The question can be raised as to what are the actual observable differences that differentiate juvenile delinquents from non-juvenile delinquents? The answer to this question is related to the sampling process first, and the subsequent evolving of the delinquent population (experimental group) and the non-delinquents (control groups). However, the subjects from both the experimental and control groups must be randomized. These subjects must be truly representative of the universe from which they have been drawn. Further, the probability of the differences being attributable to chance factors must
be ascertained by proper statistical checks. Many problems and serious difficulties are encountered in obtaining a random sample. It is axiomatic that where and how the sample is obtained place serious limitations on juvenile delinquency research. Shums, for example, tend to be criminogenic. There is a difference between institutionalized offenders and non-institutionalized offenders. Rubin states that "An institutionalized offender is characteristically an institution product, in part." He further states that institutional life may contribute "to the greater display among delinquents of social assertiveness, defiance, ambivalence toward others, hostility, suspicion, destructiveness," and less submissiveness to authority. Further, some samples are based on court cases. Frequently, records tend to assume that a child is delinquent behaviorally, even though he may not have been officially adjudicated as delinquent. Inferential analysis concerning juvenile delinquency in general are also vital factors. The area from which the delinquent comes may also be significant. Balogh and Rumage state that "the matter of sampling, bias and prejudice, the research techniques employed and countless other variables too difficult to comprehend create serious impediments for the researcher."22

In connection with sampling bias, one must remember that bias is further enhanced by the greater rather than the decreased awareness of court workers of intrapsychic problems for we can assume that only the more enlightened courts have a guidance center in the first place, and that it is this affirmative of wanting a clinic which will affect the general handling of cases of juvenile delinquents. Further, the level of experience of psychiatric personnel tends to increase reliability.

There are some other methodological criteria that should be considered:

1. The sample may not be adequate for significant use elsewhere.
2. The universe may remain undefined and nebulous.
3. The characteristics of the sample are frequently largely unknown.

These characteristics must be discovered and must also be measured against some parameter values of the universe. The sample should be given an item analysis corresponding to similar revolving of the scale items.

Statistical techniques and the warranty in which they are utilized play a very important part in social research relating to juvenile delinquency. Why use statistical techniques? Can a sound methodological case be made for statistical techniques? Are they reliable? There is something to be said for the fact that "the real test of statistical methods is not whether a logical case can be made out for them, but whether they work and whether they work better than any other method."25

Queelet formulated four simple rules of statistical procedure for statistical research which are most vital to present day research:24

1. Never have preconceived ideas as to what the figures are to prove.
2. Never reject a number that seems contrary to what you might expect merely because it departs a good deal from the apparent average.
3. Be careful to weigh and record all the possible causes of an event and not attribute to one what is really the result of the combination of several.
4. Never compare data which are not fully comparable.

The matter of statistical interpretations are of high relevance in all phases of social research. Jahoda, et. al, point up the following observations:25

1. To characterize what is "typical in the group."
2. To indicate how widely individuals in the group vary.
3. To show how the individuals are distributed with respect to the variable being measured.
4. To show the relation of the different variables in the data to one another.

Let us turn to a discussion of scales and scale scores. "Variations in scores are affected by countless variables. Researchers attempt to control these variables to the fullest extent possible, but many of them are omitted either intentionally or unintentionally."26

Jahoda, et. al, state that the following conditions are instrumental in affecting the variable factors involved in score differentiation:

1. Fine differences in the enduring characteristic which one is attempting to measure.
2. Time differences in other enduring characteristics of the individual which affect his score.
3. Differences due to transient personal factors.
4. Differences due to situational factors.
5. Differences due to inadequate sampling of items.
6. Differences due to lack of clarity of the measuring instrument.
7. Differences due to variations in administration.
8. Differences due to mechanical factors.
9. Differences due to factors in the analysis.

Methodologically many questions can be raised. The first of these pertains to the scale:

1. How was the scale validated?
2. What scaling techniques were used?
3. Are the limits of the continuum known?
4. Were there tests of unidimensionality given?
5. Were the items arbitrarily assigned a position, or were they fixed by test?

In testing for the reliability of a scale one might raise the following questions:

1. How much of the effect is due to uniform training in the training sessions?
2. How much of the effect is due to a compressed scale with relatively few points and thereby limiting the possibility of deviating?
3. How much of the effect is due to clumping of the scale —were certain scale values used more frequently than others?
4. How much of the effect was due to the limited number of psychiatric categories of higher abstraction?

The element of bias is introduced not only through the court records, etc., but through the knowledge that the patient referred will be a juvenile delinquent. Therefore, the best method would appear to be the one where the rater would not know whether he is dealing with a juvenile delinquent or a non-juvenile delinquent.

We need to be aware of the fact that such incidental
learning as may be introduced by the relationships resulting from prolonged contact with the same interviewer may bias the results of the ratings.

There is always the possibility that a knowledge of prior offense data may have a biasing effect on psychiatric assessments of juvenile delinquents.

Although objectification of data with the aid of a rating scale is very useful and desirable, it does not deepen the understanding of the person at all. On the contrary, it schematizes it. There is nothing wrong with that, of course, but we need to face the fact that we cannot encompass all aspects of the persons need in a scale. It is of dubious mathematical validity to use an ordinal scale as though it were cardinal. Further, as far as "human behavior is concerned frequency and probability do not necessarily imply predictability.".

In conclusion, it may be very well be said that there has been too much medical professionalization in the field. Lopez-Rey states that:

"In this excessive professionalisation, medico-psychological people are conspicuous. To avoid misunderstanding, I should repeat that psychophysiological knowledge is necessary, but at the same time it should be remembered that psychology, psychiatry, and psychoanalysis are still beset with unsolved problems of their own, some of them fundamental. It would be illusory to expect these disciplines to succeed completely in other fields when as yet they have been unsuccessful in their own. So as to obtain more fruitful cooperation it is suggested (A) that instead of disseminating psychiatric theories, assumptions and techniques—some of which have shaky foundations—it would be better to reinforce what is called common sense. A greater dose of this would be extremely useful in the so deeply scientifically infiltrated field of juvenile delinquency; and (B) in the same way that non-medico-psychological professionals dealing with this problem are advised to acquire a knowledge of psychophysiological matters, medico-psychological professionals should acquire some knowledge of social and legal questions."

* * *

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Letters to the editor on any subject related to the field of criminology or its adjunct disciplines are cordially invited. They should be typed, double-spaced, and submitted in duplicate.

Ed.
Crime And Police Problems In Emergent Africa

The picture of emergent Africa presented in this paper is a composite drawn from a number of visits to the Dark Continent, cumulatively totalling nearly two years; an extensive teacher-pupil relationship with more than one hundred correctional and police administrators, judges and prosecutors from the newly independent republics (and a somewhat less extensive relationship with many of their British, French and Belgian predecessors); an intimate personal friendship with many of Africa's politicians and statesmen (including leaders of dissident groups); innumerable conversations with African students attending American, French and English universities; a continual study of such crime and police reports from the new democracies as have been made available to me either by my personal contacts or through the United Nations and its subsidiary bodies; and an analysis of the literature, now beginning to grow in volume, either principally or at least other than cursorily concerned with the socio-political pathologies so important to an attempt at understanding why and how the breakdown in crime control and criminal justice administration is depriving the citizens of these newly free nations of the benefits of the democracy for which they have waited so long, suffered so cruelly, and shed so much blood.

I shall neither make nor imply any invidious comparisons with either the so-called civilized nations of the West, the older sovereignties of Africa, or the colonial dependencies from which these new nations have sprung. It has taken generations and centuries for even our own country to achieve a level of crime control, criminal justice administration, correctional and police organization and functioning, which, while not as inadequate as its detractors would rate it in many areas, has certainly little claim to perfection. Nevertheless I think it basic that fledgling nations absorb the lesson of history—governments which are incapable of establishing and maintaining internal order not only fail in their responsibility to their people but soon fall, either over-turned by their own disaffected citizenry or taken over by outside forces.

Generalizations about a continent so large and so varied and at least at present so combustible as Africa are likely to be as inaccurate as they are perilous. To reduce, although it is impossible to eliminate, the area of such probable error, let me define "emergent Africa" as encompassing those countries which have achieved their independence largely in the last decade: the former British colonies which are now Gambia, Ghana, Kenya, Malawi, Nigeria, Sierra Leone, Somalia, Sudan, Tanganyika, Zambia, and Zanzibar; France's former Algeria, Chad, Congo Republic, Dahomey, Gabon, Guinea, the Ivory Coast Republic, Malagasy, Mali, Senegal, Togo and Upper Volta; the former Belgian dependencies of Congo, Burundi, Rwanda, Mauritania, and the Niger Republic; Libya with its background of Turkish, Italian, British and French administration; and the Republic of Cameroun with its colonial heritage including German, French and British periods.

Not included in the scope of this paper (although certain of my comments will undoubtedly be pertinent to their internal problems) are the older, more stable African sovereignties of Ethiopia (now including Italian Eritrea), Liberia, Morocco, Tunisia, and the United Arab Republic. Nor can I say much about crime and police problems in Portuguese Angola, Mozambique, or Guinea for these war-ravished colonies no information (other than bitterly self-serving propaganda blasts) can be obtained from either Portugal or the revolutionary forces. The conditions in the Republic of South Africa and in its League of Nations mandate of South West Africa are sufficiently different, if as interesting and perplexing, to as justify excluding them from our present consideration. French Somaliland and the British protectorates of Basutoland, Bechuanaaland, and Swaziland are still under colonial administration; and self-governing, white-dominated Southern Rhodesia, at odds with both Britain and its African neighbors, hardly qualifies as "emergent Africa."

I think it can and must be said that in all or most of emergent Africa internal order, i.e. the safety of persons and property, ranges from minimal to non-existent. This condition may be attributed, albeit in quite unequal importance, to the chaos and confusion common to post-revolutionary periods; to the wholesale corruption and all-pervading inefficiency of the administrative machinery; to the extreme difficulties of transportation and communication in many areas; to the dissident political elements and the remnants of revolutionary irregulars, unable or unwilling to adjust to the privileges and responsibilities of freedom; to the long-existing inter-tribal hatreds and jealousies, complicated by the centuries-old migratory traditions of many tribes as well as the forced displacement of others during the colonial period; to the trans-border warfare, stemming perhaps as much from the artificiality and ill-defined nature of the border-lines (e.g., the Somali peoples are somewhat arbitrarily divided among French Somaliland, Kenya, Ethiopia, and Somalia while the Watusi fight across the Uganda-Kenya border) as from open or surreptitious attempts to support subversion of neighboring governments (as for example on the borders of Sudan); and finally of course to the primitive customs long practiced among large num-
bers of the native population (and frequently over-looked by the colonial powers) though denounced by the penal laws.

It is difficult indeed to make even an educated guess as to the incidence of crime or as to crime trends in the new nations. Comparisons with such figures as we have from the pre-independence period, when outside of the major cities little concern was exhibited except on the occasion of crimes against whites or against their property, are quite meaningless. Invidious comparisons with Western crime rates in almost any category are equally unhelpful. Crime reporting in the new Africa is to say the least irregular. Fairly complete data are available in many of the urban areas under government control. Data are spotty to non-existent from areas controlled by rebels, dissident local governors, non-cooperative tribal chiefs, or regions remote from governmental control posts and communications. Such statistical compilations as are available are fragmentary, internally inconsistent, and often so obviously constructed for propaganda purposes as to be utterly worthless. The almost paranoid suspicion which characterizes many if not all of these governments in their dealings both with their own citizens and with outsiders, and the rather stringent censorship over most matters considered sensitive (i.e., critical of the government), make attempts to question official reports dangerous for those within the country and abortive for those abroad. There is thus an unspoken consensus among my informants however that life and property are now less safe than under colonial rule, and that with few exceptions, notably capital cities and areas under military control, the situation is deteriorating rather than improving.

Three elements in the crime control, criminal justice administration, and correctional systems contribute to the inability of these newly established African nations to establish law and order firmly throughout their territories:

1st) the failure of the pre-independence colonial administrations to train natives for the higher responsibilities in the legal, police and correctional fields;

2nd) hostility to white advisers in these sensitive areas complicated by an overwhelming preoccupation with governmental security (and the personal security of the uneasy governmental leaders in not a few of the new nations);

3rd) the almost unbelievable brutality and rapeacity of the police and correctional services, uncontrolled by free and powerful courts, which is as much a legacy of colonial police and prison experiences as it is a resultant of the illiteracy and primitiveness which are characteristic of all except a small percentage of the populace in most of these countries; this brutality has almost totally alienated the population and the native police are if anything more feared and more hated than the colonial constabularies they replaced.

While England in her colonies made some efforts toward training a small corps of native lawyers, teachers and other professional men, and provided opportunities in its police and prison administrations for selected natives to attain intermediate supervisory grades, the former who comprise the nucleus of the present powerful intellectual elite in most of the new countries now occupy high governmental posts or have been banished or ostracized as political opponents of the regime; while many of the latter who served their colonial masters all too well in the police and prison establishments have been killed if they were not lucky enough to make their escape prior to "uhuru". Both police and prison positions are now filled at the top largely by former officers of the revolutionary forces or faithful second-line political leaders of the movement toward freedom in those nations which achieved their independence with a minimum of bloodshed; and at the lower levels largely by illiterate, ill-trained personnel recruited haphazardly from the populace. France and Belgium made little or no effort in their colonies to train a native bureaucracy and actively discouraged the emergence of a native intellectual or professional cadre; but the situation in their former colonies is little worse than in England's.

In virtually every one of the emergent nations, dissident political elements, sometimes financed and armed from without the borders of the state, are in open defiance of the legal government. In many of these states large areas are controlled by tribal or regional chiefs who give grudging loyalty, if any, to the central government and who administer their territories, sometimes quite extensively, virtually as independent nations. All too frequently, there is such hatred, jealousy, lack of communication and understanding among the many separate ethnic and religious and linguistic groups as to make internal order as difficult to contemplate as to attain (e.g., Nigeria's 55-million people are sub-divided into some 250 non-homogeneous units and the Congo's 15-million into nearly 200). Given such conditions, and recognizing that, though largely governed by men who risked all for freedom, these new nations have little experience with democracy, the fears of governmental leaders that their former colonial masters, or communist or Western imperialists, or aggressive, ambitious neighbors, or internal enemies will overthrow their regimes are understandable. The abilities and energies of the police are therefore principally directed toward problems of state security. The right of individuals to be secure in their persons and property is a secondary consideration.

Those offenders, many political but with a liberal representation of murderers, thieves and ordinary criminals, who are taken into custody by the police or incarcerated in penal institutions, receive rigorous if not rehabilitative attention. Physical abuse is accepted as the norm; uninvestigated deaths are common; professional medical attention is rare and psychiatric care unknown. Food is meager and vile and sanitation is sub-minimal. Extra-legal and military tribunals have wide powers to order execution, corporal punishment and imprisonment (often without even a pro forma trial) and the cour F have little power and seemingly less interest in protecting the rights of the accused. There has been interest
expressed, most recently at the XIIth International Course in Criminology at Jerusalem, by Ghana and several other countries in the extra-institutional supervisory techniques of probation and parole. But my feeling is that the interest focused apparently more on the problem of relieving prison overcrowding rather than as an indication of interest in the convicts' readjustment or rehabilitation.

The picture of crime and police conditions in these newly emergent African nations here presented is as depressing to disciples of freedom for colonial dependencies as it is disparaging of the native governments. It might well be used to justify new imperialist ventures, a re-assumption of the "white man's burden"; or it might be exploited by communist agitators (whether Moscow or Peking oriented) to enlist support for their continual efforts at internal subversion, or put forward by apologists for the South African and Southern Rhodesia regimes in defense of their obstrinate opposition to native rights. Such is not my intent. I have had a long and sympathetic interest in the cause of African freedom, and now that it has been substantially achieved, the benefits of that freedom must be insured to the citizens of these new democracies.

Behavioral scientists of the West can and must play an important role in assisting these neophyte governments in identifying and finding solutions for their police and crime problems. African studies have been too long neglected outside the anthropology departments in American universities. Granted that Fulbrights to Western Europe are more pleasant than twelve-month advisory contracts in Leopoldville, Nairobi or Kigali; but a working visit to Freetown, Yaounde, or Kigali offers a stimulating challenge to professional sociologists unlikely to be encountered in more comfortable areas.

Applied criminology in many of the new countries, not only in Africa but in the Far East, has been by virtue of the abdication of sociologists, social psychologists and other behavioral scientists become an area almost preempted by retired police chiefs, super-annuated prison wardens, and restless military officers. The tremendous research resource inherent in the thousands of African students who flock to American and Western European universities since World War II has been virtually untapped. Let me remind you however that there are some thirty new nations in emergent Africa, baptized in the heady waters of freedom within the past decade, controlling the destinies of hundreds of millions of people newly awakened to the thrill of "ahuru" but not yet wholly appreciative of freedom's duties and freedom's responsibilities. All of these nations are voting members of the future "parliament of man", the United Nations, and as such sometime future arbiters of our fate as a nation.

The Uprooted Men

If there is one word which characterizes the thousands of men and women in the prisons and reformatories in the country it is that they are UPROOTED. Search where you will in any prison and you will find men who have no roots in life. They are, or have been, outside the bonds which tie men together in time and in space. They are the singular individuals who either by chance, choice or circumstances have never been close to the life best of humanity or the elements which give form and substance to social solidarity. For various reasons life has not taken them into the full warmth of living or they have refused to allow themselves to be taken into close communion with others. For them there is but the shattered world of many islands of loneliness and no continent of humanity. There is no homeland, no fatherland, no love of place, no stretch of land to call forth a sense of belonging. "Home" is but a word which other men use, but a name without depth of meaning. To them there are no "everlasting hills," no hills of home" from which they may draw the meaning of life. They are as Kafka said, "a stranger, a man who isn't wanted and is in everybody's way."

W. A. Lunden

Uprootedness is one of the most serious and least recognized troubles of our day. Long periods of unemployment, serious wars and revolutions leave in their wake uprooted men just as tomatoes leave uprooted trees in their path. Not only is uprootedness dangerous but it spreads. Uprooted men cause others to be uprooted and torn from their natural surroundings. Once a man has become uprooted he has three possible choices before him; 1) allow himself to fall into a semi-laziness of unreality of a dream world; 2) rush into endless activity of either running away from something or trying to find something or; 3) grow new roots. The first method is the easiest, the second requires effort and the last is most difficult. Men who choose the first and second method refuse to accept the life which confronts them. They become escapists or slaves. Only by the third means do they become men.

HOW MEN GROW ROOTS

Once a man has become uprooted it is difficult and painful for him to be rooted again. Full grown trees once uprooted in a storm are seldom replanted. More often they are cut to pieces, made into firewood or burned on
the brush heap. Rooting takes time, patience and the warmth of much sympathetic understanding. Moreover, not all men are willing to help others become rooted. It is not the task for small men with myopia but men of stature who understand the worth of other men.

When an uprooted man has followed the natural course of his life and committed a crime he discovers that he has cut himself off from that which gives value and substance to living. He finds himself a stranger among strangers daring not to trust others because he has broken their trust. Some men are imprisoned for their acts. Imprisoned or not, the real punishment consists in the man's struggle to regain once more that which he has lost. Some men may be unaware of what has been lost and mistake the punishment as a cure for the opportunity for them to find their way back into life. The great element in Dante's "Divine Comedy" or "Inferno" is not that he descended to the level of the lowest hell but that he came back to find himself once more among men. That is why literary men have called it a "Comedy." If Dante had not "made a comeback" the account would have been a "tragedy."

TOIL AND ROOTS

After the first homicide of which there is a record the culprit somehow learned that he was to toil by the "sweat of his brow." Labor, therefore, is the first means by which men once more begin to establish roots. And labor is not easy, it is toil. Toil to most men is something to be avoided. There is, however, a strange mixture of the physical and the psychological between a man and his toil. That which a man does in his toil becomes an objectification of what the man is. A man may find himself in his toil because he gives himself to something outside of himself. This is the first step in growing roots—giving of self to others and to things outside of self. It means a new direction in the whole course of life. The focus is shifted from self to others. In due time others become dependant on the labors of this man. Soon others take note of the toil and the results. The truly great men with deep roots in life have been those who have given most of themselves to other men. They are the spendthrifts of toil and not the mixers of self. Out of this toil arises new roots and life soon begins to take on a new depth of meaning.

NOBODY TO SOMEBODY

In the toil and patience new roots appear. Other men soon take note of what that man does. When a man discovers that he is worth something to others and others come to depend on him he begins to rise to a new level into the kind of man he wants to be. In a sense he reaches up because his roots have begun to sink deep into life. In time this man discovers that he has friends and in this new found friendship he leaves behind his old self. Recognition comes and with this a feeling of worth. A great villain sometimes becomes a great hero if he does something for others in a disaster. He has changed from a "nobody" to a "somebody" by giving himself. This spectacular event dramatizes the same process which goes on very slowly in the life of the average person who gives self in daily tasks. Most men want this change from villain to hero to take place suddenly but such cases are very rare because such occasions are rare. In reality new roots grow slowly and in most cases without notice. No man can say just when the acorn became a giant oak tree—for the answer lies only in time.

Men grow roots in other ways and in what some people may think of as simple and common place things or the verities of life. Uprooted men take many things for granted but there is nothing in life "for granted." Uprooted men forget the daily rising or the setting of the sun or the appearance of the stars at night. They are too commonplace for rootless men. Yet these are the timeless commonplace things which have outlived the important things. If biography is to be trusted it is said that Napoleon was afraid only once in his life. It happened one night during his campaign in Egypt when he was alone under the stars walking on the sands of the desert. For some strange reason Napoleon always carried poison about with him. The timelessness of the stars and the silence of the sand for a time shattered Napoleon's ego for these had been there long before him and remained long after his departure. Whether in prison or out, if a man would grow roots he needs to merge himself with the commonplace timeless things. In these he finds an identity and a security. In a sense he breaks the barriers of time. Not all men are capable of this, but association with small things over a long period of time soon establishes bonds of relationships which root themselves in time. This may be a hazardous experience for some men because they fear to be alone with themselves amid the commonplace. They find they have "no place to hide" and their "Big Front" is torn away leaving but their naked selves. Not all men can stand this shock. This may be why Napoleon was afraid.

If men are to regain roots in life they must grow new roots by giving themselves in their toil and identifying themselves with the commonplace things that surround them. Fortunately, indeed, is the man who can go to his daily task with the will of giving himself. It is much easier to be a miser with self. And still more fortunate is the man who as he goes to his work may sense the sunrise and feel the sun in his face. This man has begun the task of finding new roots in life. There may be shadows but they fell behind him.

Dr. W. A. Landen is Professor of Sociology at Iowa State University. Reprinted from ProSidio Vol. 32, No. 3 by permission of the author.
The Meaning Of Low Failure Rates On Parole

Recently the authors have been actively engaged in parole research and in advising and consulting with our own state’s official programs of parole and/or related activities. Last year we carried out a somewhat standardized type of research project bearing upon the basic aspects of the Georgia parole system. As a part of the research, we attempted to digest the research produced by others, and to have a systematic look at the sorts of materials currently published by the several states and Federal government concerning their parole systems. One not too startling discovery was that most of the systems are normally engaged, to a greater or lesser extent, in evaluating their own systems. We even found that we, ourselves, were subjecting our own research findings to comparison with similar findings from other systems.

Specifically, we are saying that parole systems, at both state and Federal levels, in their need for some evaluative criteria and/or procedure, frequently judge themselves on the basis of a single criterion—the rate of reincarceration of parolees. Reincarceration of parolees takes place, of course, either for the commission of new offenses or, less frequently, because of failure to adjust to community ways, as evidenced in failure to abide by the conditions of parole. Both of these bases of reincarceration are typically combined into an index, and the index is presented as the “parole failure rate”. Failure due to the commission of a new crime is a somewhat queer mixture of things, and hardly bears rigid application as a criterion of parole, since so often the new crimes are unrelated to the original, and are therefore not accurate indexes of recidivism in the pure sense. Also, the latter cause, failure to adjust, is often just a euphemism meaning not necessarily that the individual has reverted to a “life of crime” but only that he has consistently violated one or more of his parole conditions, which may or may not have been relevant to his personality or social conditions.

Regardless of these inherent difficulties of interpretation, parole failure rates are usually published in agency reports, in press releases, and especially if they are relatively low, in budget requests to the governor or legislature. From the wordings of these reports one is led to suspect that parole people themselves sometimes fall in the trap of accepting parole failure rates as having some absolute values, and therefore as valuable bases, even, or especially, when used alone, for evaluating their operations.

Our assertion here is that parole failure rates, per se, have little absolute value. We further assert that even in comparison with other figures from the same or other systems, their value is limited. Thus, even in comparative procedures, great discretion must be used. Comparison with earlier rates in the same system is often limited by some or all of the following: (1) substantial organizational rearrangement in any or all phases of corrections administration; (2) basic changes in the laws and regulations governing the parole process; (3) substantial addition to staff or a general up-grading of personnel; (4) change in the level of enlightenment of public opinion; (5) basic changes in the process by which inmates are selected for parole, and (6) changing political considerations. Comparing the rate of one state against that of another state is, of course, subject to the same, or even greater limitations.

Even with the above in mind, we would still have to say that failure rates will and must be used for evaluative purposes if only because of the limited state of our knowledge about parole means that there are no other criteria available to us.

It would be difficult, if not actually dangerous, to settle upon a dependable figure, but it would appear that parole failure rates across the country probably average somewhere near 25 to 30 per cent. Reckless recently put the figure at 28 per cent. Wisconsin’s rate is running around 31, California’s something over 37, New York’s at 37, Pennsylvania’s at 31, and Washington’s rate approximates 35 per cent. The national average is brought down by other states whose published failures rates sometimes run as low as 8 or 10 per cent. Thus, we are saying that a fourth, or slightly more of all individuals released on parole, have their paroles revoked, and any rate lower than this might be called a low failure rate.

We are herein raising the question as to whether a low failure rate is the reflection of a superior parole system. Actually, in a broader sense, we are asking just what may be the meaning of low failure rates. As we have indicated, low failure rates may have little real meaning, and can therefore be confusing and actually dangerously misleading.

This statement is based primarily on the fact that we really do not know what the published failure rate actually means. A given level of performance on parole is the result of the interaction of numerous factors, and knowing the gross failure rate does not permit accurate inference concerning which factor or combination of factors have contributed to the observed rate. If a state has a failure rate of say 25 percent, all that can be inferred from the fact is that 75 per cent of those paroled completed their supervision period without having their parole revoked. At the present time one cannot even say
that the parole system was in any way responsible for the success of the 75 per cent, or the failure of the 25 per cent.

In our own study which analyzed parole performance in Georgia for the past decade, using data from every fifth case in the permanent records of the Georgia Board of Pardons and Paroles, it was shown that of the white males only 21 per cent had "failed", and that an even smaller portion of the Negro males — 15 percent — had failed.

It is indeed a temptation to take these figures on their face value, and to conclude that the parole system in our state is a superior one, and to leave it at that. And in the comments which follows, we will actually not refute the assertion that Georgia is a superior system. However, the temptation must be resisted, as it should be in any state which discovers itself to have a low failure rate. Instead, the entire situation must be investigated carefully to discover the components of parole success and failure in each situation.

Our own examination has led us to conclude that low failure rates may indicate any, or a combination of the following:

1. The low failure rates may mean that there exists a unified court system using progressive procedures in sentencing, an exceptionally good correction system with a fully operational treatment program, and a parole system whose important components—selection, administration, and supervision—are properly conceived, balanced, and executed. A combination of these elements—courts, corrections, and parole—operating at high performance levels, should result in the incarceration of only those who will benefit from institutional confinement, treatment by a qualified staff while imprisoned, the selection for parole of those whose records indicate that continued confinement will serve no useful purpose, and supervision of those released by trained parole officers. Such a system might well result in low failure rates.

2. Short of this, however, low rates of failure may indicate that one or a combination of the elements described above are sufficiently superior to offset the weakness in other elements. For example, dedicated, able, well-trained parole officers might manage to overcome the effects of poor selection. Or, a properly organized court system combined with an excellent corrections system might make success on parole quite probable in spite of the weakness of the parole system itself.

3. Low failure rates may very well reflect the opposite of excellence in procedure, especially at the supervision level. Overloaded, untrained parole supervisors may fail to detect violations of parole conditions, and may limit their efforts to simply "receiving" monthly reports from parolees. Low failure rates in such situations would be simply the result of "sloppy" parole work.

4. The low rates might be the result of poor police work in that parolees might be getting by with legal violations undetected by the police. Or, the police in one jurisdiction may ignore relatively minor violations that in some (other) jurisdiction would result in arrest and subsequent parole revocation. This point is so well recognized as to require no further explanation, but it is one that we believe to be very important in any attempt to ascertain the real meaning of parole success or failure.

5. Of course, low rates of failure on parole might just as well reflect superior local police work. If local police were able to prevent new crimes completely, parole failure would be reduced considerably, all other things being equal. Close cooperation between local police and the parole staff in observing parolees' habits and associations, coupled with corrective supervision, might also reduce failure rates.

6. Low failure rates might result from good prison operation. All of us undoubtedly share the hope that prison programs do something to inmates to prepare them to adapt to community living, but we are continually disappointed in our search for evidence that this actually happens. In fact, we have absolutely no evidence that the prison experience enhances in any way the chances of community adjustment or readjustment. On the contrary, there is much logical evidence that such changes are actually damaged by most prison procedures.

We imply, then, that it is very possible that even more convicted individuals might have made satisfactory community adjustment, either with supervision — on probation, or without supervision — on suspended sentences — without incarceration, than with it. We are not so asserting at this time, but we do say we can find no refuting evidence, and we recommend new and relevant research on this point. What we are willing to state at this time is that courts quite likely under-employ probation and suspended sentences, and over-employ extended prison terms in the average American state. The reasons for such practices are, of course, beyond the limits of this particular paper.

7. Low failure rates might result from the statistical techniques used in arriving at the published rate. Most state systems utilize a method in which the total number of parolees under supervision at the end of a given period is divided into the number of parolees revoked during that period. The result of this operation, when multiplied by 100, gives a percentage failure that is then assumed to be the rate of failure. This procedure ignores one very crucial element; those who "fail" in a given year may or may not have any relationship to those released during the year. A more effective method of determining a meaningful figure is to follow a given individual or particular cohort through the entire period of supervision. That is, the files of all those inmates paroled in a given year should be examined at five-year intervals to ascertain how many were revoked, how many completed their parole periods, how many died, how many are still under supervision, etc.
While the two methods may not seem too dissimilar, the results are often very different. In one state that we have observed, a published rate of 10 per cent arrived at by the first method, turned out to be almost 30 per cent when the second method was applied. It is interesting to note that the states which annually publish failure rates higher than the national average—e.g., California, New York, Wisconsin, Pennsylvania and Washington—all use the second method.

Statistics are subject to manipulation, and a low failure rate may mean little more than highly imaginative statistical manipulation, or that dissimilar statistics are unknowingly being compared where comparison should not be made.

8. Low failure rates may be the result of conservative selection procedures, and of low levels of parole utilization. The states differ widely in their usage of parole, as we all know. Reckless states that about 58 per cent of the releases from prisons in state jurisdictions in a recent year (1958) were releases by parole, but that regional variations were as follows: Northeastern states, 85 per cent; Western states, 78 per cent; North Central states, 72 per cent; and Southern states, 33 per cent. Washington state was highest with 99 per cent, and South Carolina, Nevada, Oklahoma, and Vermont were low, with 7 per cent, 7 per cent, 10 per cent, and 11 per cent, respectively. With a conservative selection procedure, the least risk cases are paroled, almost insuring low failure rates. Thus, a state can, by using parole sparingly and conservatively, keep its failure rate low, but at what a price! By reducing the total number of persons who might succeed on parole, the system is buying itself a good record at the cost of human potential and, in our minds, at least, is engaging in a violent misuse of the parole principle. In the states with high use levels, as we noted, there is likely to be a high failure rate, but the total actual number of persons permitted to readjust to community life will have been increased. However, that high use levels and high failure rates need not always accompany each other can be illustrated by Colorado's success record. About 98 per cent of their prison releases are by parole, yet since the establishment of their prerelease center, their failure rates have been running 74 per cent or under, well below the national average. When all these facts are taken into consideration, it is not surprising to find that Georgia's failure rate is much lower than many other states. The exercise of due caution in parole selection is not only understandable, it is to be commended. A system that releases only the very best risks on parole, however, is open to questions.

9. Low rates of failure might be misleading for yet another reason. A given system, observed to have a low rate, might simply have a distribution of crime different from systems in which higher rates prevail. There is substantial evidence indicating a close relationship between types of crime and parole risks. The prime example usually cited to demonstrate the relationship is forgery, which generally is associated with high parole risk. (Again, however, a word of caution is in order concerning the interaction of multiple factors which may affect parole outcome, even for forgers. We might raise the question of whether the crime of forgery itself is the causative factor or whether some other factor not yet isolated caused the crime in the first place, and is also contributory to continued anti-social activity.) We can say, however, that if a higher proportion of a given cohort of parolees had originally been sentenced for crimes usually associated with low parole risk, then low failure rates can be expected. The reverse is, of course, also true. Therefore, differing crime distribution in the several jurisdictions make parole adjustment rates something less than fully comparable.

We want in no way to depreciate low failure rates, or to criticize those states which may be justly proud of such rates once achieved. What we have said is that parole failure rates may result from several interacting factors and that each situation needs to be examined carefully to see what combination of factors is operative before conclusions on the efficacy of a particular system can be drawn.

We have, in addition, attempted to point out that for a variety of reasons parole adjustment rates of different jurisdictions, or even of the same jurisdiction at different points in time, may not be directly comparable.

It would be a remission of responsibility if we failed to note that research into the causative factors of parole success or parole failure has been carried out at an extremely low level. While the weakness is being corrected today, much remains to be done before one can speak with precision on this subject.

This joint paper was presented at 10th Annual Southern Conference on Corrections and is reprinted, courtesy of Dr. Vernon Fox from the Proceedings. Address: Dr. Frank Gibson, Professor of Political Science, University of Georgia, Athens; Dr. Raymond Payne, Professor of Sociology, University of Georgia.
Legal Services For The Poor
Conference Summary*

THE LEGAL NEEDS of the poor and possible ways of meeting these needs more effectively were explored by the first nationwide Conference on the Extension of Legal Services to the Poor, held November 12-14, 1964, in Washington, D. C. The conference, sponsored by the Office of Juvenile Delinquency and Youth Development of the Welfare Administration, had the immediate aim of furthering cooperation between lawyers and social workers in their efforts to ameliorate the conditions of the poor. About 150 persons attended, including representatives of law schools, social workers, jurists, welfare officials, and staff from community development projects.

In her welcoming address, U. S. Commissioner of Welfare Ellen Winston noted the particular difficult position of the poor in regard to legal problems. An income that cannot adequately provide for basic daily needs has no margin for legal expenses. The general lack of education among the poor makes them more likely victims of injustice and exploitation. At the same time, as the country grows in population and complexity, more laws and regulations are inevitably instituted, and thus there are more instances in which people require legal help. Dr. Winston directed special attention to legal safeguards needed by the 8 million "poorest of the poor" who receive public assistance under laws and requirements which vary from State to State and some of which change from year to year:

"We must see that their legal rights are not denied to them; that the provisions for their help and protection which are written into our laws and policies are not obviated by practice. In the majority of situations affecting these people across the Nation, this problem does not arise; but we have not fully evaluated or explored corrective mechanisms to take care of such problems when they do arise, or taken steps fully to protect people from any infringements of their rights under these programs."

The 1962 Public Welfare Amendments were cited particularly by the Commissioner as a means available to the States in helping to meet the needs of the poor for legal services. As one example she pointed out that States and localities could make available protective services to the aged who are no longer fully capable of managing their own affairs. Under the 1962 provisions, States can obtain 75 percent Federal financing for such services. Dr. Winston also mentioned the demonstration projects under the Juvenile Delinquency and Youth Offenses Control Act of 1962 and the community action programs under the Economic Opportunity Act of 1964 as offering opportunities for meeting legal needs of the poor.

Attorney General Nicholas deB. Katzenbach noted in his address that while major steps are being taken to protect the rights of poor persons accused of a crime, we have just begun to give more serious attention to their broader, more common legal needs:

"There are large numbers of poor people who discover that they have a binding obligation to pay a finance company for furniture never delivered or for a TV set that never worked. There are large numbers whose cars or washing machines are repossessed after months of payments who have no idea they are entitled to the return of their equity. There are large numbers whose public assistance is reduced or revoked who have no concept of their rights of appeal."

Making their rights known to the poor is one of the major problems, Mr. Katzenbach said. Second, he warned that even if rights are known they can provide little protection if they are entangled in a maze of technicalities. This is particularly true for the poor, who cannot "walk through life with a lawyer at their side." Third, protection of rights depends on advocacy, and their must be lawyers from all parts of the law who are willing to represent the poor man in trouble. Mr. Katzenbach placed special emphasis on his fourth point:

"For rights to be worth anything, they must be honored without lawyers, courts are not the only forums in which rights are adjudicated. There are administrative proceedings, there are dealings with landlords, merchants, social workers, and welfare officials—all the people whose decisions can deeply change the lives of the poor. It is in these areas, far more often than in the courts, that the poor person needs a counselor and an advocate."

LEGAL NEEDS

Professor Monrad Paulsen of the Columbia Law School, speaking on family law, observed that there are two legal systems—one for persons with means, and one for those without. This is manifested in a variety of ways, he said, such as the stipulation of additional requirements
before legal assistance will be provided to the poor (as in divorce cases), and the options available to the wealthy (such as private restitution to avoid having their children brought before the juvenile court) but not to the poor. Persons of wealth rarely have contact with neglect proceedings, he pointed out. He recommended that an especially close look be given to neglect cases when needs for legal assistance for the indigent are being ascertained.

The relation of the poor to government was examined by Edward V. Spar, Director of the Legal Services Unit, Mobilization for Youth. He noted that as government has assumed a more active role in the lives of citizens through various laws and programs, the poor persons' primary contact with the law has shifted from courtrooms to the anterooms of public agencies, where he awaits determinations that may vitally affect his life.

To indicate the scope of the legal problems under these new circumstances, Mr. Spar put numerous issues that have been raised throughout the country in regard to public assistance administration, such as “suitable home” provisions, “man-in-the-house” rules, and “midnight raids” on clients. He related how legal representation for families denied public assistance in New York helped correct instances of misinterpretation by assistance workers of that State's “welfare abuses” law.

In expounding several major points on the relationship between poverty and law, Miss Elizabeth Wickenden of the National Social Welfare Assembly pressed home the point that public assistance is a matter of entitlement under law. Because of the beneficial purposes of public welfare, the possibilities of oppressive practices are often overlooked, she said.

1. The poor in America are a minority group, and a primary function of law is protection of minority groups against oppression, even in the form of “beneficent despotism” of the majority.

2. In an affluent, highly industrialized society, laws and institutions are the essential weapons against poverty, in contrast to a generally impoverished society where the central problem is to produce enough to go around. This country, Miss Wickenden said, could well afford to support at a decent level the aged, the disabled, dependent children, and others outside the work economy if there were the organizational and legal mechanisms to do so. Moreover, the fact that the affluent society is based on a high degree of organization, of course, makes the poor even more dependent on institutions and laws.

3. A maximum range of clearly defined rights and entitlements offers the strongest protection of the individual's security and freedom. Thus, the worker depends on his union contracts and labor laws; the businessman on incorporation, contracts, antimonopoly and other laws; the social security beneficiary has his entitlements spelled out in the law. The most difficult kind of entitlement to define sharply is that which is based on individual need, such as public assistance, Miss Wickenden said. She suggested that, in the long run, this difficulty can only be overcome by, first, reducing need by expanding measures such as social insurance and, second, expanding social services that serve all people regardless of economic status.

4. All individuals should have access to legal services and devices of appeal against legislation and bureaucratic decisions that threaten their rights. Miss Wickenden cited three basic areas in which public welfare clients need the help of lawyers: to secure equal access to the provisions of the laws; to right the inadequate or inequitable laws that help keep people in a disadvantaged position (for example, the many mothers who must rear children without help of the fathers need greater protection from the law and legal help on problems related to separation, divorce, and custody); and to protect against discriminatory application of the law.

Lawyers, working with social workers, can help fill the enormous need of tenants in slum areas for legal assistance, according to Miss Nancy E. LeBlanc of the Legal Services Unit, Mobilization for Youth, New York City. “The lawyer can make it possible for them to exercise their legal rights — rights which are often so hedged in technicalities that even lawyers have problems,” Miss LeBlanc said. “The uneducated, frequently non-English-speaking people, simply give up.”

Because poor tenants have not been able to afford lawyers and landlords are satisfied with present laws, landlord-tenant law has virtually stood still, she said. Since tenants are rarely able to appeal cases, they are settled almost wholly in the lower courts, and thus no new precedents are established through appeal decisions. She went on the cite numerous illustrations of the need for legal representation to bring about changes as well as to assure protection under present law.

David Caplovitz of the Bureau of Applied Social Research, Columbia University, discussed the consumer problems of the poor as revealed by a recent study he conducted in New York City. He found that of the 500 low-income families in this survey, more than 60 percent had consumer debts outstanding; one in every five families had experienced legal pressures because of missed payments. Only 27 percent had as much as $100 in savings.

With their low educational level and different cultural backgrounds, many of the families were easy victims of “bait advertising,” high-pressure salesmen, and misrepresentation of products or terms of payments. Furthermore, when asked where they would go for help if they found themselves being cheated, 64 percent said
they did not know. Among those who did know of sources of help, there were some who would rather pay what the merchant claimed rather than go to court and lose time from work.

Mr. Caplovitz said that, many times, the consumer fails to appear in court because he did not receive the summons:

"Instead of finding the defendant, the process server (who, in these cases is hired by the plaintiffs' lawyer) throws the summons away. Low-income families are especially likely to be victims of this practice since they are not apt to know how to protect their legal rights. Merchants are well aware that judgments by default are common and take advantage of this fact. However poor the merchant’s case may be, he can count on winning a certain proportion simply because the consumer does not show up to defend himself."

NEW LEGAL SERVICES

Recently established legal service programs for low-income communities in New York City, Boston, and New Haven stress bringing legal services into the neighborhoods where the poor live; merging legal services with other social services to give a more comprehensive approach to problems of low-income families and individuals; and encouraging closer cooperation of social workers and social agencies with lawyers, law schools, and legal organizations.

The development, philosophy, and operation of the legal services unit of the Mobilization for Youth program in New York were outlined by Mr. Charles Crosser, Deputy Director of MYF. The legal unit concentrates on three major activities: provision of referral and preventive services; legal orientation of lay community leaders, professional staff, and clients; and use of the law as an instrument of social change.

The unit is staffed by four attorneys located at the MYF administrative office. Services are extended to the neighborhoods by some 400 staff members of MYF, including social workers, indigenous family aids, street-workers assigned to antisocial gangs, vocational counselors, community organizers, teachers, clergymen, etc. The numerous grievances of the poor are reviewed to sort out those amenable to legal intervention. Mr. Crosser stated that this means of providing legal services, although necessarily institutionalized, is nevertheless sufficiently congenial and accessible, and capable of providing an effective level of service where previously there was little or none.

William Wells, representing Action for Boston Community Development, described that organization's Unified Legal Services, which was launched in November 1964. This service extends legal assistance into Boston's three areas of lowest income through neighborhood law offices located in multiservice centers. At the multiservice centers, a referral system has been instituted among the attorneys, social workers, employment counselors, etc., to provide what Mr. Wells called a “total approach” to a family's problems. To make sure that the workers in the centers will know when to refer problems and to whom, they all receive inservice training.

Charles J. Parker, President of the Legal Assistance Association of New Haven, recounted the history of legal aid in New Haven and current plans for neighborhood lawyers. The plans include establishment of three general legal aid offices which will work with neighborhood social service teams of Community Progress, Inc., New Haven's community development organization. In addition to assisting the individuals and families of the neighborhood with their particular problems, the lawyers will investigate basic causes of social-legal problems of the neighborhood and educate the residents in regard to their basic legal rights.

"New and creative examinations of the canons of professional ethics so far as they relate to legal aid activity" was called for by Washington attorney Zona Fairbanks Hostetler. She stated that the attitudes of the organized bar, which are expressed in these canons and which in effect determine matters of professional legal conduct, will be a strong factor in the future course of neighborhood legal services.

Mrs. Hostetler cited canon 35 as particularly in need of review. This canon states that a lawyer should not practice law while in the employment of a lay agency because such employment may intervene between him and his client, control his services, or direct the performance of his duties. It also states that "charitable societies rendering aid to the indigent are not deemed such intermediaries." This raises the issue, Mrs. Hostetler said, of how indigency is to be interpreted. Often, legal aid offices have interpreted it to mean only "the absolutely destitute," she said.

She also noted that the canon, by excepting charitable organizations from its condemnation of lay intermediaries, seems to slight the possibility of conflicts and controls in nonprofit organizations. This possibility must be frankly faced and means devised to handle it.

Revision seems desirable also in the rules regarding solicitation of business, Mrs. Hostetler indicated. At present, she said, these rules tend to bridle efforts of legal service programs to educate the poor in regard to their rights and the services available.

In the discussion of the paper in this section, there was general support for experimentation with new forms of legal services for the poor. Some concern was expressed with regard to: lack of involvement of the poor in planning services; the new lawyer-client relationships being formed under the new programs and possible inroads into private practice; need for closer cooperation with other agencies and professional groups in the comm
munity, and criteria for evaluation of effectiveness.

FOREWARNING THE POOR
OF LEGAL DIFFICULTIES

In introducing the papers on educational services, Dean C. Clyde Ferguson of Howard University Law School said it must be recognized that today economic deprivation is often simply the hallmark of a more profound deprivation — lack of education, loss of spirit and hope. Another factor to keep in mind in developing services, he said, is the perception of the poor of their own role in finding a way out of poverty — how do they see themselves and their relationship to the whole community?

That these are in fact important points was made clear from the account of the experience in community education in Harlem presented by James N. Finney, Director, Neighborhood Legal Services Project. Mr. Finney said that in addition to the general problem of apathy toward educational programs, in Harlem there is also a widespread frustration, impatience, suspicion, and cynicism regarding the effects of law. To help combat these resistant attitudes, the legal services project has tried to select topics of better-than-average interest as indicated from meetings with many community groups. Timing is also considered: the program on law of arrest was carried on in the summer, a time of particular unrest in Harlem; the experience of past winters showed that winter was the right time for the program on housing violations. In preparing pamphlets on the law of arrest, numerous small meetings were held in the community to test the clarity of the information. Larger meetings were then held to discuss the subject and distribute the pamphlet.

Mr. Finney said that although it is too early to estimate the substantive effect of the educational project, he does have a partial answer:

"Those who have responded to our efforts have not done so because we have convinced them, as yet, to have faith in the system. Rather, by working in the community day after day, we have convinced them of our sincere faith in the system. This is why we are certain that pamphlets alone would be inadequate. . . ."

Great Britain’s Citizens Advice Bureaus and legal advice and aid programs were described by Mrs. Mildred Zucker, Executive Director of the James Weldon Johnson Community Center in New York City, who recently made a study of British social work programs. The CAB’s help citizens use public services effectively and generally provide advice on a wide range of problems, including matters of housing, consumer credit, domestic relations, etc. Some of the bureaus provide free legal advice at sessions attended by panels of volunteer lawyers. Many citizens are referred to the legal aid and advice service administered by the Law Society for persons with limited means.

Mrs. Zucker reported that the CAB’s and the Law Society recently studied the laws concerning citizens’ rights with regard to government services and arrived at recommendations to enlarge the systems of appeal and public petition.

Some of the practices of the experimental educational program sponsored by Mobilization for Youth in New York’s lower East Side, were summarized by Edward V. Sparrer, the Director of the Legal Services Unit of MFY. Since pamphlets generally seem to be little heeded by the poor, the legal unit has devised an alternate method of providing youth with information they should have if they are ever arrested. Wallet-size cards are being distributed which state the rights in case of arrest, the phone number of the MFY lawyer whom the youth can call if he cannot afford his own, and the message to leave with the answering operator. This method makes information available at the moment of need.

A second practice the project follows is integration of legal services into community development programs. Mr. Sparrer gave as an example the integration of a lawyer’s services into a tenant council’s organizing effort. In the lower East Side, hundreds of tenants were informed in this way of the legal right to rent-strike, he said. Because social workers are in regular contact with the most impoverished, considerable educational effort is focused on them rather than on the community directly.

Finally, Mr. Sparrer advised: “Just being in the community — in an immediate neighborhood of the poor — working there and getting (at least occasionally) some results, is the single most important rule for a lawyer — or anyone else — who seeks to ‘educate’ the community.”

The educational practices of legal aid offices were outlined by Junius Allison, Executive Director, National Legal Aid and Defenders Association. In a few places, legal aid lawyers participate in seminars initiated by social agencies for the benefit of caseworkers. Some legal aid offices draft statements on consumer credit matters, usually for use of potential clients. Legal aid offices have also prepared regular newspaper columns and, occasionally, radio and television programs on common legal problems.

THE LAWYER AND THE SOCIAL WORKER

All the speakers in the panel on “The Lawyer and the Social Worker” noted a lack of cooperation, understanding, and respect between the two professions.

Jacob T. Zukerman, attorney and Co-Chairman of the National Conference of Lawyers and Social Workers, said it was his impression that many lawyers have no knowledge of what a social worker does or how he is trained. In view of this fact, law schools should do much more to prepare lawyers so that they will recognize implications other than the legal ones and know when and where to refer a client for casework. He recommended that every community set up lawyer-social worker committees sponsored by the local bar associations, social
work professional organizations, and social service agencies.

Speaking about the other side of the coin, William T. Downs, Executive Director and General Counsel, Catholic Charities of Michigan, declared that while social workers operate in the framework of law, many lack understanding of legal principles. For example, he said, social agencies sometimes slight the fact that adoption is a legal process that requires careful legal as well as social planning. In marriage and family counseling, social workers are sometimes not aware of the legal implications of their advice.

In the new era of “reaching-out” casework and action on causes as well as effects of social ills, legal understanding is more vital than ever before, Mr. Downs said. For one thing, since the law is a conservative, sustaining force, it may be sustaining the very condition which the social worker is trying to change. Besides basic knowledge of the laws in his particular field, the social worker must also have an understanding of: the legal profession in terms of its professional self-concept; the modes of legal reasoning and analysis; and the adversary process and its basic theory of conflict. He advised that the worker must be prepared for challenge, especially the “activist” social worker who is trying to assure equal application of law in housing, consumer credit, and other problem areas. When such workers do have an understanding of law, they can be invaluable to the advancement of laws by providing new perspectives on their operation.

E. Donald Shapiro, Director of the Institute of Continuing Legal Education, University of Michigan Law School, declared that, in many instances, such as in domestic relations and juvenile court cases, the determinations of social workers frequently serve as a substitute for the adversary system and therefore social workers should be prepared to provide the protection of rights that is expected of adversary proceedings. Because important decisions affecting the freedom of individuals can depend on the social worker’s factfinding and presentation, rules of evidence and other safeguards must be inherent in his work. Mr. Shapiro indicated that social work training should include material on the basic legal principles, characteristics of the psychology of the lawyer, how to communicate with him, and the legal system in general.

Louis L. Bennett, Regional Representative on Aging, Welfare Administration, Department of Health, Education, and Welfare, stated that social workers and lawyers need to be made aware, through their professional educational systems, of each other’s basic philosophy and methods. He mentioned some of the matters in which cooperative action is needed: Review of the administrative actions of public agencies and the exercise of administrative discretion; new potentials in delivering legal services; financing of legal services; and planning of social action, including legislation.

THE LAW SCHOOLS

The potentials and limitations of law schools in extension of legal services to the poor were discussed at the final panel of the conference. The speakers outlined programs at Boston University, Georgetown University and New York University in which students provide legal representation to indigent persons in criminal cases while gaining clinical experience.

Plans for the Boston University Roxbury Defender Project were described by Robert L. Spangenberg, Director, Legal Studies Institute, Boston University School of Law. Two attorneys on the staff of the Massachusetts defender’s committee will be assigned to the court to represent indigent defendants in probable cause hearings, felonies and certain serious misdemeanors. Selected third-year students, under the direct supervision of an attorney on the faculty, will handle all other cases involving misdemeanors. As part of the unified legal service in Boston, the project will give attention to other social problems of clients and provide referrals to appropriate social agencies.

The Georgetown Intern Program, reviewed by Dean Kenneth Pye of the Georgetown Law Center, is in its fifth year. The program consists of an 11-month course for recent law school graduates leading to a master of laws degree. The interns serve at the District of Columbia Court of General Sessions, representing indigent persons charged with misdemeanors or felonies. During 1964, about 16 percent of the total felony defendants at the court were represented by interns. Cases are accepted only by specific assignment by a judge.

Dean Pye reported that the 30 graduates of this program have continued to show deep interest in the indigent and the person accused of crime. Five have become prosecutors, five have served as public defenders, several have undertaken indigency studies for their States, and several have accepted position in local bar associations in work dealing with indigency.

The value of internship programs is clear but their feasibility is limited, Dean Pye said. The limiting factors include:

1. An internship program is designed to serve the needs of the poor, with educational benefits restricted to the few students who participate; this gives the program low priority among most deans and faculties, whose primary obligations are teaching and research.

2. Most law schools are small and poor; less than one-third possess any type of graduate program. Thus, any new program faces the problem of financial support.

3. The director of such program must have extensive practical experience in the areas in which the program operates, as well as intellectual prowess and research ability. Such persons are difficult to find and recruit, particularly for programs keyed to civil legal needs of the poor.

(Continued on page 38)
The Criminology Program at The University of Maryland

While the need for special education in the area of criminology is more or less generally recognized, there is no general agreement on how such an educational program should be organized. A variety of patterns is in existence at the present time. Education in criminology is still clearly in a stage of exploration and experimentation. The purpose of this presentation and the allotted time do not permit a discussion of the reasons for such a state of affairs or the reasons advanced for the different types of programs in existence today. The following statement will merely indicate the rationale of one such program as developed at the University of Maryland and give a brief description thereof.

1. From the point of view of modern social science, the handling of the problems of crime and delinquency should be based on an understanding of the reasons, the causes, the motivations, or the factors resulting in criminal and delinquent behavior and on developing methods for eliminating this behavior as the result of such an understanding.

2. By now there exists a considerable body of knowledge—scientific knowledge, both negative and positive—with regard to the etiology of criminal and delinquent behavior and the methods for removing such behavior that have been developed on the basis of these insights. A difference is frequently made between the body of criminological and of correctional knowledge. In this statement, unless specifically qualified, the term criminology or criminological knowledge is applied to both.

3. This body of criminological knowledge must be accumulated, systematized, passed on to those entering the fields of study and action, and it must be further developed. It should be recognized that there must be a group of carriers of this knowledge—in other words, a professional group of criminologists—and a university-centered educational program in criminology.

4. The body of criminological knowledge is interdisciplinary in nature, with the conventional disciplines of sociology, psychology, anthropology, psychiatry, social work, etc., all involved. But for the most part, especially in the United States, the interpretation of criminal and delinquent behavior is sociological. It is therefore that the academic location of the discipline of criminology in the United States has traditionally been within the departments of sociology. Unless the teaching and development of criminology is organized as a special unit—a special department, institute or school—its location in the department of sociology appears to be the most appropriate. It can be argued that for a number of divergent reasons the latter location is in general the best one, especially for an undergraduate program.

5. As to the academic characteristics of the criminology program, both on the undergraduate and the graduate level, the degree to which the program is a professional and applied program, etc., it is here recognized that education in criminology can and should be started on the undergraduate level and, of course, continued on the graduate level, both as an M.A. and Ph.D. program. Given that professional education in criminology, similar to a professional education in many other areas such as chemistry, physics, philosophy, history, etc., is to begin on the undergraduate level and that at the same time it should have a liberal arts underpinning, an undergraduate criminology program should be located within a college of arts and sciences. If for some reason it is administratively located elsewhere, it still should have the benefit of a "general education" or "liberal arts" component. From the point of view of professionalization, it should not go beyond a pre-professional curriculum compatible with the principles of liberal arts. On the graduate level several parallel developments may suggest themselves, emphasizing either research or various degrees of specialization for correctional work and its several types.

As already stated, the above five premises could be motivated in greater detail, but in view of the time limit is not possible and the Criminology Program of the University of Maryland will now be described as growing out of these premises.

The Program is located in the Department of Sociology as a distinct and somewhat autonomous unit. The senior professor in charge of the Program is authorized to use the title of director. The Program has been in operation since 1945. Presently the specifically criminological aspects of the Program are staffed by a full professor, one assistant professor, full time, and the part-time of two instructors who are specializing in criminology. A full-time graduate assistant is available. The expansion of the program to take place beginning with the next academic year, foresees three positions of professorial level, i.e., one full professor, one associate and one assistant professor, as well as two to three graduate assistants. In recent years between thirty-five and forty undergraduate students are as a rule enrolled in the Program at any one time. Presently about twenty M.A. and five Ph.D. candidates are specializing in the area of criminology. In the last fifteen years, thirty-five M.A. and six Ph.D. degrees with an emphasis in criminology have been granted.

THE UNDERGRADUATE PROGRAM

The undergraduate Criminology Program is organized as a major in sociology and a minor in psychology, both departments being in the College of Arts and
Sciences, and the graduates receive a B.A. degree. The students take the required core courses in sociology and thus graduate with a major in that subject. In the area of criminology they take introductory courses in criminology and juvenile delinquency. These are followed by three more advanced courses in the areas of prevention, institutional treatment, and extra-mural treatment of offenders. The students have available to them up to six credits of social field training in the form of internships in correctional agencies and institutions. This is construed not as professional training, but rather as a supplement to the course work in the area of criminology. The students also take several supporting courses such as social pathology, urban sociology, community organization, and a course in social control. They are also required to take an introductory course in social welfare and another in economics.

Besides an introductory course, the psychology minor is oriented toward two fields: abnormal psychology and tests and measurements. In addition the students are urged to take an elective from the courses in child psychology, developmental psychology, and educational psychology.

An Honors program is also available for the students of the Criminology Program. Besides participation in the Honors sections of regular courses, this provides the undergraduate student with an opportunity to take a tutorial readings course, do a research project, prepare an undergraduate thesis, and participate in two graduate seminars.

THE GRADUATE PROGRAM

The Department of Sociology at the University of Maryland offers both M.A. and Ph.D. degrees. There is an opportunity for the graduate student to specialize in the area of criminology. Four courses in criminology are available on the graduate level: a graduate lecture course in advanced criminology, a seminar in criminology, a seminar in juvenile delinquency, and a seminar in crime and delinquency as community problems. In addition there is opportunity for a graduate tutorial reading course in criminology. Comprehensive written examinations are required of both the M.A. and Ph.D. candidates, and criminology may be taken as a major field. In the case of a graduate student specializing in criminology, the respective thesis or dissertation is prepared in that area. Graduate work is supported by graduate assistantships, fellowships, research projects within the department, and employment in correctional agencies and institutions in the State of Maryland, the District of Columbia, and in the federal correctional program.
The Functions of Social Workers In Penal Institutions

I. GENERAL

1. The justification of social workers in penal institutions is a fact so generally accepted that no explanation is required. This is, however, necessary when their functions are discussed inasmuch as opinion differs about their character and extent. The main purpose of this paper is to determine their functions as far as penal institutions are concerned.

2. In this report penal institution means a place of public and administrative character in which, under proper supervision and treatment, the offender is kept during a period of time determined by a sentence.

3. This definition excludes from the meaning of penal institution, foster-houses and any other types of residence, such as hostels for released offenders.

4. Penal institutions may be open, semi-open or closed. In each of them the offender has a different degree of freedom but in all cases the institution is the place of their residence.

5. Institutional treatment is the treatment given to the offender by general and special staff as long as he resides in the institution. In a broad sense treatment means the way in which he offender is taken care of for social reasons. Medico-psychological treatment is given when individual circumstances require it. Treatment also includes the measures taken to maintain within reasonable limits, order and discipline.

6. The social worker forms part of the staff in charge of the treatment. As such, his work is coordinated to that of other staff members and in some respects deals also with the family of the offender or any other person or institution that, particularly during the pre-release and in the after-release period, may take care of the offender, although acting on his own initiative and according to circumstances the social worker should regard himself as part of a team and not as an isolated member of the staff.

7. By offender is understood here the adult as well as the juvenile. By the latter is meant the minor that has committed an act defined by criminal law as a crime. This restricted concept conforms with the recommendations of the second United Nations Congress, London, 1960, on the matter and the policy applied in many countries. In the United States and other countries under the label juvenile delinquency are included other acts than those indicated above, such as smoking without supervision, wandering in the street, being disobedient, frequenting certain places, truancy, being absent without permission, etc. Usually these and similar acts as well as real offences are put together under the common term of maladjustment or deviated behavior. Without examining here this no less deviated way of approaching the problem of juvenile delinquency, suffice it to say that it has led to the inflation of the problem of juvenile delinquency, to considerable waste of time, energy and money and to the false justification of programmes and policies, the most salient feature of which is the academic satisfaction or personal advantage of some professionals.

8. Fortunately, in the United States there is already a marked reaction against this empirical and mistaken approach. Authoritative opinion holds that juvenile behaviour other than that constituting a criminal offense should not be regarded as delinquent. This is the point of view expressed among others by the Standard Juvenile Court Act adopted by the National Council on Crime and Delinquency some years ago and more recently by the Centre of Criminology Research of the University of Pennsylvania in its “Constructing an Index of Delinquency”, 1963, criterion that is maintained in the full report on the matter “The Measurement of Delinquency” to be published in 1964.

9. Although legally adult and juvenile offenders constitute two different categories, this does not necessarily mean that the functions of social workers are essentially different when dealing with each group. Obviously some differences exist but these are not so marked in character and extent as to justify two different sets of functions and of social workers. The differences are mostly of degree and more often than not expression of individual characteristics and needs than of a particular group. Consequently with the adequate training and some specialisation social workers may be assigned to adult or juvenile institutions. Actually, they serve on rotation basis in both types of institutions so as to acquire greater knowledge and experience in the treatment of offenders.

10. The foregoing consideration raises a more general and practical question. Whether or not social workers, before being assigned to the treatment of offenders, should receive special training. The answer is that the fact of being a social worker does not entitle any of them to deal with juvenile offenders unless special qualifications and training are added. The qualifications should be personal and professional inasmuch as whatever the latter are no social worker should be assigned to deal with offenders without a previous test of his personal suitability. In sum the selection and training of social workers dealing with offenders is of particular importance. The training may be given at the corresponding school of social work or on ad hoc basis. As for the se-
lection, this should be made before the assignment and afterwards at reasonable intervals.

11. Another question is the age of the social worker. In some countries social workers are too young to possess the experience and maturity required to offer confidence, advice and guidance to adult offenders and their families. As for young offenders it will depend upon their age. A young adult will hardly trust a social worker only four or five years his senior. The requirement of age and with it personal experience is fundamental since social workers’ functions are not based on academic knowledge and training only. On the other hand, no social worker is expected to possess the experience that all cases require. Therefore a compromise is necessary. A minimum of 25 years of age for him seems adequate for juvenile offenders and of 30 for young adult offenders.

12. Finally, social workers should be selected on professional and personality grounds. Professional knowledge is provided by the existing teaching and training facilities but it is not enough. The suitability of the personality of the social worker to work in penal institutions is particularly important, since these offer by their environment many opportunities to satisfy aggressive or distorted types of personality and mentality. As far as possible personality and mentality tests should be applied so to exclude social workers the mental health and personalities of which are unsuitable to deal with offenders.

II. FUNCTIONS

13. Administratively the social worker is part of the institutional staff and as such is supposed to act under the orders of the head of the institution. In the reformatories for juvenile offenders he probably will be ex-officio member of the committee or body in charge of the education, guidance and assistance of minors; also he will work in close cooperation with the medical officers as well as with teachers, educators, house-masters, matron, nurse, etc. Owing to this functions the social worker is free to organize his work according to the existing needs and his own point of view. Therefore, although he is supposed to work the legal minimum working hours, he may spend his time outside the institution when it is required for his job without asking for special permission. Transportation expenses incurred in the performance of his job should be reimbursed.

14. In order to do his job the social worker will have access to any file, document, information or data concerning the offender, also he will be able to circulate freely in the institution, get in touch with the staff and inmates and ask for the information required for the adequate performance of his job. Communications to other authorities should be made through the head of the institutions but verbal requests about current matters and personal contact with the other services may be sought and maintained by the social worker himself.

With respect to the authorities and persons not concerned with, related to or evidently not interested in the offender, strict professional discretion must be observed. This does not apply to the authorities and officials dealing with the treatment of offenders, judicial authorities and members of the offender’s family. As a rule reports, statements or information in written form about offenders will only be made as part of the personal file of the offender or at the request of the head of the institution or a judicial authority.

15. As part of a professional team the main purpose of the social worker is to build in the offender the necessary attitude and willingness to lead a law-abiding and self-supporting life, the ultimate aim in a broad sense being the protection of society and the individual against crime. The ensemble of elements above mentioned constitutes the content of what is generally known as social rehabilitation that I prefer to call social adaptation. Although complex and not easy to achieve, this adaptation represents the social minimum required. Its aim is that no further offense be committed by the offender. Consequently although moral aspects should be considered, they should be in accordance with the social minimum required and not because the total moral transformation of the offender is needed by the penal function. In this respect the distinction between what is desirable from a moral point of view and what is required by criminal law should be made. What the latter demands from everyone is not to get in conflict with it. Beyond this there are many good aims, moral and otherwise, all of them highly desirable, but not required by the penal protection of society and the individual, including the offender.

16. This realistic and scientific approach may be criticized but it is the only one within the competence of the agencies dealing with offenders. As such it should not go beyond what is demanded by criminal law. Otherwise by aiming too high failure will be the inevitable result. It should also be remembered that in performing public functions there is always a distribution of aims and tasks that should be respected. It is within this specific framework of social adaptation that the work of the social worker should be organized and performed. To avoid misunderstandings, I should repeat that social adaptation includes moral elements but these should be understood within the minimum social requirements of criminal law. In sum, social workers should always keep in mind that (a) they deal with human beings and not with experimental units, and (b) that more often than not the ways and means at their disposal are limited. As human beings offenders are generally handicapped in many respects, as a rule they will return to an environment in which social and economic difficulties prevail. This means that the social adaptation of the offender cannot have in all cases permanent effects whatever the character and extent of the treatment and pretences of some theories. No treatment by itself provides future
immunity against crime. The results, however, are usually far more satisfactory among primary offenders, a great percentage of which, if properly treated, will never return to prison. Although this does not necessarily mean that they will not become recidivists there are reasonable grounds to assume that many of them go ‘straight’ after release. If properly organized institutional treatment is expected to yield satisfactory results. By this I mean a relatively minor number of failures and that relapse will not take place within a reasonable period of time. The length of this period is not easy to determine in advance since it will depend on the circumstances of each case. As a flexible rule I should say that three years may be regarded as reasonable. The failure of social adaptation will be found more in the persistence of unfavourable living conditions than in the treatment itself. The modification of the individual attitude of the offender vis-à-vis fundamental social values can be achieved by institutional treatment only within certain limits. Society at large is the main determining factor in maintaining or changing these values. As for general living conditions their improvement is outside any criminal policy. As a rule, it may be added that juvenile and young adult offenders are in some respects more receptive to treatment than adult offenders and that professional offenders, whether juvenile or adult, are seldom accessible to social adaptation. To avoid misinterpretation I should say that although professionals are always recidivists and in sense habituals, not all recidivists and habituals are professionals. These are offenders for whom crime constitutes either full or part-time a regular source of income, i.e., crime becomes a profession; habitual offenders may be so for various reasons, mostly socio-economic. Although crime is part of his life the habitual is not necessarily a professional. Finally, recidivism is a broad term that applies to those that have committed more than one criminal offense. In all three cases there is repetition and persistence but in various degrees and forms. The distinctions are legally important but criminologically rather than to set up categories it is better to think in terms of individual cases. These and other possible types such as mental and sexual offenders may appear combined with those already mentioned raise different treatment problems that social workers should discuss with the available professional staff. If specialists are not available the cooperation of other services should be sought.

17. More specifically the functions of social workers are directed towards:
   (a) the offender;
   (b) the offender’s family;
   (1) interested persons and associations or organizations; and
   (d) the institution.

18. With respect to the offender the most relevant aspects are the following:
   (a) arrival of the offender to the institution;
   (b) subsequent contacts to get acquainted with the offender, his case, present situation and individual and family difficulties and problems;
   (c) attitudes and aptitudes of the offender vis-à-vis the offence, the victim, society, staff, his education, work, training, etc.
   (d) type and extent of assistance required in the institution and afterwards;
   (e) contacts with the family and persons or institutions willing to help the offender;
   (f) preparation for and assistance during the pre-release period and when required after release;
   (g) any other assistance required by special circumstances, such as mental and physical health, disabilities or handicaps, etc.

19. Contrary to some schools of thought and policies after-care is not required by all offenders. Some of them obviously do not need assistance of any sort and others in a very limited way. Actually, a good preparation and assistance, including the necessary arrangements for a job, during the pre-release period may considerably reduce the need for after-care or its duration. Generally speaking the worse the institutional treatment the greater the need for after-care. The reduction of after-care, always a rather expensive service, is feasible if the offender is treated and assisted in such a way that little by little he becomes able to solve his difficulties by himself within accepted ways and means instead of looking immediately around for help or using unacceptable ways and means as soon as the difficulties arise. The type what can I do by myself and not the type what can they do for me should be the aim of treatment. Therefore effort, honesty, sense of responsibility, persistency and work are particularly important targets.

20. As for the family, the social worker should approach it in all cases even if the offender objects or the relations are strained or practically non-existent. Only after a careful analysis of the circumstances, the social worker should decide to what extent and in which way family contacts should be handled or even avoided. The family should be helped but mostly through the cooperation of other social, mental health or other services. In no case should the institutional social worker impose upon the institution responsibilities outside the competence of the latter. This does not mean that the family is not taken into account by the social worker or even by the institution, but only as part of the treatment process and not as a separate responsibility of either of them.

21. With respect to third persons and associations, the institutional social worker should obtain the required cooperation at least shortly before the pre-release period begins. Employment and when required ambulatory treatment should be secured before release. When necessary the cooperation of other services should also be incurred. During the pre-release period the offender under proper guidance and assistance should be allowed to go out and look around for a job, attend training courses or even better start working during the day and return
every evening to the institution or hostel, if any.

22. The necessary steps should be taken to ascertain that the persons or associations interested in helping the offender are guided by the right purpose. It is advisable that social workers keep a list of possible helpers and maintain frequent contacts with them. Without furnishing any written statement social workers should inform verbally those persons or associations willing to employ ex-offenders about the person, personality, etc., of the offender. Social workers should stress that by helping offenders crime is prevented in an effective way and that the fact of having been an offender does not justify antagonism, distrust, exploitation or abusive practices. As much as possible follow-up records of released offenders should be kept. Whether or not employment should be found in another locality than that of the previous residence or of the commission of the offence should be decided according to the circumstances.

23. Concerning the institution, the functions of the institutional worker are varied since they refer to the institution as such and its various aspects and activities as well as its staff.

24. Institutions may be of many types. Closed institutions usually raise more difficulties than open and semi-open institutions inasmuch as the staff has to pay attention, sometimes excessive, to the traditional functions of custody, security and control. Even if reasonably performed they always constitute a serious handicap to institutional functioning and treatment since sooner or later they pervade every activity of the closed institution.

25. The type of regime and work prevailing in the institution is also determinant. Some institutions are much too much on the disciplinary side, others on a progressive system not always well understood and applied. It may also happen that the institution is overcrowded, badly organised and even although indirectly effectively run by a clique of the staff or a group of inmates. The institutional social worker has to face these and many other circumstances about which he can do very little without endangering his own position and work. This means that although he can and even should do something to improve things only at his own risk he may become a crusader or reformer. Actually, if he devotes his time and efforts to his own job eventually he will get results.

26. The attitude of the director and staff are important. Sometimes they regard the social worker as an intruder while on other occasions they try to pass on to him duties and responsibilities that do not belong to him. Although within certain limits institutional social workers should have initiative and use his autonomy as they deem it appropriate they should pay careful attention to the degree of receptiveness of the staff to new methods, changes, techniques, etc., required by a more effective implementation of the social worker's functions. Contrary to some current assertions the administra-

27. Although theoretically and technically there is a distinction between observation and treatment, in many respects they are no more than two closely related aspects of the process of treatment. By observation is usually understood the period during which the antecedents, characteristics, attitudes, needs, etc, of the offender are studied and appraised in view of his possible treatment and social adaptation. In some countries there are observation or reception centres where this preliminary appraisal is made. Although very useful, if properly organised, observation centres are not indispensable. The main reason is that the treatment of offenders requires a constant appraisal and re-appraisal. Therefore, it would be a serious mistake if the social worker or for that matter any other staff member rests on the first appraisal made or regards any of them as definite. If observation centres are used the period should not exceed three months. With reasonable regard to circumstances the shorter the observation period the better. It is not only that the offender may become emotionally attached to the staff or some of them but that any period of observation is something artificially created. Many offenders are fully aware of this and it may cause them consciously or not to 'show' characteristics or needs that, although detected, will handicap the observation.

28. One of the most widespread platitudes is that in dealing with offenders the nature of offence is irrelevant since what counts is the nature of the offender. By many this assertion is regarded as one of the progressive principles of the treatment of offenders. Against such unjustified generalisation it may be said (a) that treatment is given for the sake of the offender as well as of society since both must be protected; (b) that the offence is an expression of the person and personality of the offender as well as of other persons including the victim, and of environmental circumstances and therefore it should receive all the attention these elements demand; and (c) that without aiming at revenge, retribution or atonement, treatment should certainly aim at building in the offender a sense of social responsibility so as to enable him to lead a law-abiding life and in this building
process the nature of the offence plays a definite role. If as generally accepted, social workers perform a social function, it is obvious that this function cannot be confined to the consideration of the offender only.

20. Another sequel of the trend that regards the offender as the only beneficiary of treatment, is the assertion that all the offender's needs should be met so as to achieve his so-called rehabilitation. This prevailing point of view is mostly theoretical, thoroughly impractical and scientifically unfounded. Individual needs even if of a permanent character vary in extent and importance and from the treatment point of view can be met to a limited extent only. The reasons are (a) that the needs to be met are those related to the purpose of social adaptation already explained. All other needs although they may occasionally be regarded as relevant are outside the purview of social adaptation as required by criminal law; and (b) penal institutions, services and techniques cannot afford the satisfaction of other needs than those within their competence. This demarcation of functions and responsibilities is essential because only a distribution of activities as clear as possible will allow each agency to perform its own duties and responsibilities successfully. This does not mean lack of cooperation or coordination among them. On the contrary it requires both so as to avoid duplication of services and therefore of expenses and ensure better results. Accordingly personal needs, situations, conflicts, difficulties, etc. should be approached and as much as possible solved for the benefit of the individual as well as of community.

30. From the foregoing it may be concluded that in performing his task or planning programmes, methods and techniques the social worker should keep in mind (a) that the offender is not an isolated unit for the benefit of which everything should be done, but a responsible element within a family and a social framework the interests of which are no less important; (b) that in planning his social adaptation, particularly his vocational training, employment and other forms of assistance, the background of the offender, the environment to which he will return and the convenience of not increasing the number of jobless people in urban areas must be kept in mind. Unless circumstances require it otherwise, offenders should return if not exactly to the same place at least to one in which a similar type of honest living is possible. The transfer to strange environment should be avoided. It is up to the social worker to reduce the impact of unfavourable factors that exist in any environment, and (c) that as far as possible unnecessary expenses should be avoided. To this effect every possible form of cooperation from other services should be sought before proposing schemes or steps with extra-financial implications.

31. The main professional aspects of institutional treatment are (a) how to handle not only people but people who are offenders. This requires special training on the following matters:

(i) family and group relations and problems,
(ii) case work with offenders,
(iii) fundamentals of criminal law and procedures,
(iv) elements of criminology,
(v) basic socio-psychological knowledge and training on personal problems.

(b) schooling and education. Although closely related their respective content and aim are different. Schooling refers mostly to the acquisition of academic and practical knowledge within a curriculum. Nevertheless, schooling should also embrace the building up of an individual social sense of cooperation and responsibility, self control, minimum rules of co-existence and due respect for the fundamental social values. Accordingly, schooling means not only knowledge but also character formation. Education has a wider content and purpose since it refers to vocational and professional training and formation, awareness of the main social and family responsibilities as a member of the community and special training to face and perform them within accepted ways and means. In fact, schooling and education are two aspects of the complex process of individual and social formation. According to the circumstances both activities may be combined and simultaneously performed to some extent.

(c) Although each inmate presents different characteristics, problems and needs, some of them have a general character and allow the use of standard methods and techniques. To them as well as to those typically individual, the social worker should devote his time and experience on the understanding that they should be dealt with within the social framework already indicated as well as within the available time, ways and means. In other words, individualisation of treatment is feasible within reasonable limits. These limits are determined by the content and purpose of treatment already explained. When required individualisation may go deeper with the assistance of the other members of the staff, particularly specialists. The cooperation of the physician, psychologist, psychiatrists, educator, vocational instructor and the chaplain or his equivalent are especially important. Quite often however, they are not available or only to limited extent. This is usually the case with the psychiatrist and psychologist. As far as his training permits the social worker shall try to fill the gap but in no case should he undertake any kind of special treatment without doing it under proper guidance and supervision. If this is not possible, the transfer of the inmate to the proper institution or ambulatory treatment by the specialist concerned should be sought.

(d) Social workers should stimulate work and vocational training as much as possible by stressing the important role that a steady job or occupation plays in individual as well as family and community life. If institutional work is remunerated he should convince the offender of the necessity of sending something to his family even if the amount is minimal. Work and em-
ployment should be fully discussed particularly during the pre-release period. Every effort should be made to ensure, with the necessary cooperation that upon release the ex-offender has a job even if temporary. To this effect the social worker is expected to be well acquainted with the working habits, progress and related activities of the offender in the institution. Work outside the institution, especially during the pre-release period, should be encouraged.

(e) In any institution discipline is necessary. Actually daily life requires it too although often in a different form. The term discipline should be interpreted in accordance with the content and purpose of treatment as already stated. This means that discipline has to be understood in a flexible and not in a rigid way. Unfortunately, discipline is often enforced for its own sake or occasionally for the personal satisfaction of some members of the staff. Regulations and sanctions are needed, but both should always give the necessary latitude to those in charge of treatment to apply them according to the circumstances of the case and the aim of social adaptation. Social workers should keep in mind that certain offenders try to earn punishment so as to satisfy some emotional disturbances. This 'satisfaction' should be avoided, and as far as possible its cause treated, as should be harsh sanctions and punishments, so often recommended as 'salutary'. Instead, reduction of benefits and privileges be used. As a rule social workers should not take an active part in the disciplinary system and even less in its implementation. However, it is up to them to see that the system and its implementation correspond to rational and social purposes and not to a disciplinarian conception of life or of the institution. Occasionally social workers may find themselves awkwardly placed between officer imposing a sanction and the offender. This should be avoided as much as possible although some times it is almost inevitable. In such cases without taking sides they should try to reduce the harmful effects of an arbitrary disciplinary measure and raise the question later at the proper place and moment. Institutional staff should realize that although discipline is necessary it is no end in itself but a tool that it is sometimes better not to use, instead the matter should be discussed with the offender in a reasonable way. This procedure, however, requires great experience and tact and should be used when really justified, also as a rule infractions should not be overlooked but this does not necessarily mean that on each occasion a sanction must be imposed. Corporal and group punishments are always unfair, against the principle of individualisation and as such deprecated.

(f) Institutional social workers should be fully aware of the role that the surrounding community may play in the treatment of offenders, therefore its cooperation should be secured and visitors encouraged. If possible their interest in individual offenders should be aroused so as to offer to the latter a sort of outlet to the outside world. Holidays should be used to increase and reinforce the role of the community. Recreational facilities offer many opportunities to bring groups or teams into the institution or take groups of inmates outside to participate in a contest, make a visit to a town, go somewhere on excursion, help in case of disaster, harvest, construction of public works, etc.

(g) Social workers should be fully aware that institutional treatment is an extreme form of treatment and that its generalization must be deprecated. As a rule institutional treatment should be reduced as much as possible, particularly if institutions are of the closed type. Actually, no more than a third of all offenders should be sent directly to closed institutions and not always for the total length of the sentence. Since the type of the institution is outside the competence of social workers, in the performance of their job they should reduce as much as possible the harmful effects of the institutional environment often aggravated by the large size of the institution, inadequate and depressing buildings, lack of facilities, overcrowding, etc. To this effect and according to the needs and purpose of the treatment, social workers should make use or encourage as much as possible the granting of leave either individual or in groups for different purposes; work outside the institution; visiting facilities etc. If available, the use of hostels, particularly during the pre-release period should also be encouraged.

III. RECRUITMENT

32. The recruitment of social workers is often handicapped by their scarcity either in quantity or quality or by the lack of financial means. Even in the so-called highly developed countries these difficulties have not as yet been overcome. This means that in practice institutional social workers can very seldom cope with their respective workload. In some countries it is still usual to find a single social worker "taking care" of all the offenders of an institution with capacities varying between 100 and well over 1,000 persons. In others, a workload of 200 or 300 inmates for each social worker is frequent. This means that with the exception of a few cases the work done is perfunctory and even psychologically harmful since the hopes of many offenders are raised without an effective follow-up. It is true that one social worker is better than none, but the administrations should be aware of the harm done in such cases. This harm cannot be regarded as compensated by the assistance given to a few prisoners. The solution is not easy. Perhaps it would be advisable first to think carefully to which institutions the few available social workers should be sent. Among other things, the selection should be made on the basis of the type of offenders and facilities available.

33. Two methods of administrative recruitment are in the main possible. By the first the administration in
charge of the treatment of offenders whether adults or juveniles or both, organizes its own social workers' service. By the second the workers are assigned temporarily or permanently to this administration by the ministry or agency to which the social workers belong. Either system has its advantages and disadvantages. Usually the choice, if any, is determined more by the availability of ways and means than by the merits of either system. In countries where social workers are not numerous the organisation of a separate institutional social service meets serious difficulties and therefore as an immediate policy is not advisable. The best solution is to have the social workers assigned by the corresponding ministry or agency and leave to the administration dealing with the offenders where they should work. The greatest disadvantage by this system is that if the assignment is for a short period of time, by which I mean less than two years, the expected results will seldom be attained. Assignments may be made possible by offering to the social workers some minor financial advantages and so organizing little by little the nucleus of an independent institutional service. As a non-immediate policy the organization of such service is the preferable solution. Its implementation, however, requires time, experience and financial means.

34. Whatever method is followed the scarcity of institutional social workers will be evident. Therefore something has to be done to remedy situation. This may be done by organizing a group of part-time volunteers willing to work under the supervision and guidance of the professional social workers. Their selection can be made by the latter according to existing standard criteria. As auxiliary volunteers they will perform their functions in close contact with the professional social worker.

35. On several occasions I have recommended this method that in certain countries, e.g., France, has given satisfactory results particularly with juvenile offenders. The customary objection is that people are not used to this type of cooperation. This is true since people are not used to anything unless something is previously done to get them used to it. What is required is to overcome the initial difficulties and make a start in the right way. Unless serious mistakes are made the results are always rewarding. The help of existing associations or organizations may be enlisted. In any case, whatever the objections, it should be tried since it means the cooperation of the individual and the community in a task that no government, even the richest, can undertake by itself.

**POLICE TRAINING**

By Harry W. More

The State of Washington has passed a law which establishes a State Law Enforcement Officers Training Commission. This Commission has the power to establish minimum standards relating to physical, mental, and moral fitness which shall govern the recruitment of law enforcement officers by any municipality receiving State aid pursuant to this act.

The State of New Jersey signed into law a mandatory Police Training Act which will be effective July 1, 1965 and this act requires every individual seeking to become a permanent county or municipal police officer to successfully complete a prescribed course of training in a school accredited by the New Jersey Police Training Commission.

A bill was introduced in the 89th Congress, First Session (HR 6508) which would provide assistance in training state and local law enforcement officers. Under this bill the Attorney General would be authorized to make grants or contracts with any public or private nonprofit agency, organization, or institution for the establishment of programs and facilities to provide professional training and related education to police personnel.

Another bill was introduced in the U. S. Senate (S. 1409) which would also provide Federal assistance to State and local police forces through projects to develop and demonstrate more effective techniques and practices of law enforcement. This bill provides that the Secretary of Health, Education and Welfare in consultation with the Attorney General would be authorized to make grants for projects relating to law enforcement administration, the recruitment, training, and education of police officers.

The Michigan Association of Chiefs of Police will conduct a series of one-day institutes on Traffic Management and Planning Institutes at Marquette Oct. 19; Alpena Oct. 21; Traverse City Oct. 22. (Registration fee of $2.)

The Second Annual Police Science Institute at Bowling Green State University is scheduled for October 25-29, 1965. (Banquet fee of $2.50)

Indiana University, Center for Police Training, Bloomington, Indiana will conduct a course on Supervision for Police from October 11-22, 1965 ($150 tuition).

Published originally as a monograph for the All India Crime Prevention Society, Professor Lopez-Rey's material appears here by permission of that Society. He is United Nations Adviser on the Prevention of Crime and the Treatment of Offenders. Address: Social Defence Section, United Nations, Geneva, Switzerland.
Basis Of An Interaction Approach In Treatment Of Minor Offenders

Over the past decade, the outcomes of an increasing number of demonstration projects and programs have tended to support the hypothesis that in treatment of social deviants a social interaction, or therapeutic community, approach is more effective than are the other, older approaches.

The Highfields-type programs and the Provo Experimental Project illustrate well social interaction approaches, while Maxwell Jones' Social Rehabilitation Unit near London, England, and the U. S. Air Force's 3320th Retraining Group at Amarillo Air Force Base, Texas, exemplify the more extensive therapeutic community approach.

In view of the great national and international concern over the increasing problems of delinquency and crime, and related social problems, this new approach to institutional treatment offers new hope of success in dealing with the problem.

For this presentation, I have divided discussion of the subject into three sections. First, I present what appear to me to be some important basic assumptions behind a social interaction, or therapeutic community, approach to the treatment of social deviants. Second, I briefly review the major operational approaches of the therapeutic community. Finally, I discuss what seem to me to be some possible implications of this new approach to correctional institutions and to research in the field.

Basic Assumptions on Human Nature and Development

In this section, I would like to present five basic assumptions regarding human nature and development which, in my view, form the foundation upon which the therapeutic community approach rests. Without these understandings, the therapeutic power of the approach, in my judgment, is greatly diminished.

The first assumption is that man inherently is created with certain potentials for growth, but that the nature of these growth forces is not such as to have the values usually assigned to them, i.e., good or bad. Rather, these forces more realistically can be described as having certain natural tendencies to grow, develop, or express in some way their intrinsic, creative nature. Whatever value one might assign to these qualities would appear to be one of personal or cultural choice.

The second assumption is that the natural process of this growth is in the direction of self-actualization or self-realization of all of the growth potential forces present at creation — that is, to become all of what one potentially can become — and that development of these internal processes is largely dependent upon achievement of an adequate level of socialization, or effective social functioning.

The third assumption is that growth toward increasing socialization and self-actualization proceeds primarily through interaction processes. The individual organism and its growth is highly influenced by the quality of its early relationships with significant others and things in the social environment.

The fourth assumption is that an understanding, accepting, opportunity-providing social environment encourages natural growth processes, and tends to move the individual in the direction of increased self-esteem and positive social relationships. Natural growth, although beginning in some inevitable degree of alienation in infancy and early childhood, proceeds ideally along a hierarchy of levels and stages, from lower to higher forms of expression of the intrinsic creative forces present.

The fifth assumption is that a non-understanding (i.e., biased, prejudiced, superstitious, non-reality oriented), or a rejecting, niggardly social environment tends to lead the organism to perceive itself and others in the environment in an increasingly distorted, growth-restricting manner. The result may be a breakdown or impairment in communication function within the self or between the organism and the environment, and effective communication is necessary for continued constructive growth. Thus, the individual will tend to develop a distorted perception of his creative self and of his intrinsic relatedness to others.

The particular way in which an organism reacts to these conditions depends upon an intricate and complex combination and interrelationship of inherited constitutional and other tendencies and the constantly changing social interactions which are being experienced. Under a certain set of conditions, the organism may continue normal growth relatively uninterrupted. In other instances, the organism may experience diffused feelings of being lonely, alienated, anxious, tense, worried, fearful, confused, etc. These feelings may be dim or they may be strong. The individual may feel uncontrollable urges to withdraw or flee, or he may move towards others in some fashion. He may be critical, satirical, resentful of authority, or he may be outright hostile or violent. If these conditions persist, his distorted creative strivings may in time develop into patterns of thinking and behavior which will be seen by others as socially deviant.

Socially, he may fail in many ways, basically because
he has developed communication barriers which keep him from learning needed social skills. He typically may fail or drop from school, fail on the job or in marriage, and generally he will develop few constructive relationships with community social groups, including religious, social and fraternal organizations. Further, in our complex, urbanized, highly-industrialized societies, the chances increasingly are great that, if he acts out his feelings, he will be socially identified as a truant, a trouble-maker, a delinquent, or a criminal, and he may end up in prison.

Major Operational Approaches of the Therapeutic Community

Since I have described the operational approach of the therapeutic community in detail in another paper, I will only give a brief description of six of the major concepts here.

The basic assumption behind the therapeutic community approach is that the problem of the offender, whatever it may be, developed in interaction and as a reaction to an unusually unhealthy, or unrealistic, early social environment. Thus, the solution to the offender's problem is seen simply to lie in providing a therapeutic (i.e., healthy, realistic) community in which the individual can unlearn his unhealthy attitudes and behavior patterns and distorted self-perceptions, relearn the reality of his self and other relatedness, and develop new communication and role-playing skills which will allow more adequate individual growth and social functioning.

In an attempt to provide the means whereby the offender can resolve his problem, the therapeutic community characteristically provides for the following:

1. An open, trust-type institutional environment, i.e., no walls, guards, guns, locks, etc. Considerable evidence has been gathered to show that social and moral restraint can be more effective than physical restraint in achieving secure custody, particularly among minor offenders.

2. A permissive handling of rules and regulations to allow sufficient opportunity for the offender to express and act out his distorted attitudes and behavior patterns. Rule infractions are seen as opportunities for constructive learning and as a means for developing more adequate internal controls.

3. Provision of a staff that has a realistic understanding of the offender's basic problem and a reverent respect for the individual's innate capacities for change and creative growth. This kind of staff can offer opportunities for therapeutic interaction with the offender which are deep and frequent, and which have the quality of acceptance while being realistically objective.

4. Provision of means for studying the past and present life experiences of each offender as an aid to diagnosis and so that he may gain a better understanding of his total functioning personality.

5. Provision of opportunities for learning new self concepts and developing skill in social role playing, including extensive use of individual counseling and guided group interaction.

6. Provision of means for developing needed basic academic, technical, athletic, and recreational skills.

Some Logical Implications of This Approach for Corrections

In this final section, I would like to present what seems to me to be five logical implications of this new therapeutic community approach for the field of corrections today.

First, it would seem logical, in view of the suggested increased effectiveness of this new approach, for correctional institutions to engage in an increasing amount of research designed to test the scientific and operational validity of the therapeutic community approach.

Second, it would seem logical also to move into more wide-scale application and demonstration of therapeutic community concepts in corrections, especially in the institutional treatment of minor offenders. If demonstrated effective with this group, the approach could then be extended to more severe problem types of offenders.

Third, since the new approach depends so much for its effectiveness on a mature, professionally-oriented staff, it would seem logical for correctional institutions to place increasing emphasis on personnel selection, training and development.

Fourth, correctional institutions logically should continue development of programs which bridge the gap between their institutions and the community. Most institutionalized persons need considerable assistance in making the readjustment to community life. These attempts can do much to reduce recidivism.

Finally, correctional institutions should give increased support to attempts to deal with social conditions which are contributing to the development of social deviance in our society. With new understanding

(Concluded on next page)
of the nature of the developmental problem, it should be possible to devise programs of prevention which will be strikingly more effective.

Summary and Conclusions

In this paper I have discussed what appear to me to be the important basic assumptions behind a social interaction, or therapeutic community, approach to treatment of social deviants. Also, I briefly sketched the major operational approaches of the therapeutic community. And, finally, I presented what appear to me to be five logical implications of these understandings for the field of correction today.

It has been my thesis that this new approach to treatment of deviant behavior problems offers new hope to correctional institutions in coping with at least one aspect of the problem. I also would conclude that the ideas basic to this new approach have many possible additional implications for the total societal problem of individual and social development.


ACROSS THE DESK
By Dorothy C. Tompkins

ALCOHOLIC OFFENDERS

To cope with the more than 15,000 alcoholic law offender arrests in Sacramento, Calif., each year, a committee of the Community Welfare Council of the Greater Sacramento Area, Inc. recommended—

1. There should be medical screening at the time of booking for intoxication to assure an adequate diagnosis and to determine if emergency care is needed.

2. More attention should be directed to the early offender, the person making his first or second appearance in court for intoxication.

3. Incarcerated alcoholic law offenders should be given the opportunity to participate in a rehabilitation program (medical, psychological, group therapy).

4. Rehabilitation services should be available at the county branch jail.

5. Planning should be initiated for the development of a rehabilitation facility which could serve as an alternate to the county branch jail.

6. The feasibility of a regional solution for handling the chronic inebriate who does not respond to rehabilitation should be explored.

(California Alcoholism Review and Treatment Digest 8: 29, May-June 1965)

FEDERAL OFFENDERS

The second report describing persons charged with criminal offenses who are brought before the United States district courts has been issued by the U.S. Administrative Office of the U.S. Courts. "In this report there has been introduced for the first time a weighting scheme for indicating the severity of sentences imposed for different groups of offenders, districts, etc."


CRIME PROGRAM

To help stem the "prevailing adverse tide of lawlessness and serious crimes" that we face today, a series of bills were introduced in the United States Senate. Some of them grew out of the work of the Senate Permanent Subcommittee on Investigations. The bills outlaw the Mafia and other organized crime syndicates (S. 2187), provide severe penalties for intimidation of witnesses during the course of federal criminal investigations (S. 2188), prohibit private wiretapping (S. 2189), enable the government to compel testimony with respect to certain crime and grant immunity in connection therewith (S. 2190), and provide for the civil commitment of certain persons addicted to the use of narcotic drugs (S. 2191).

(Congressional Record, June 24, 1965: 14114-18)

JUVENILE DELINQUENCY AND YOUTH OFFENSES CONTROL ACT

The Juvenile Delinquency and Youth Offenses Control Act has been extended by Congress until June 30, 1967. An appropriation of $6.5 million has been authorized for fiscal year 1966 and $10 million for fiscal year 1967 (H.R. 8131).

The Act authorizes programs of federal assistance to carry out demonstration projects to develop improved methods for the prevention, control, and treatment of juvenile delinquency, authorizes grants and contracts for training of personnel employed or preparing for employment in programs for the prevention or control of juvenile delinquency, and provides for technical assistance services such as the dissemination of information developed from demonstration and training projects.

(Congressional Record, June 29, 1965: 14534-38)
JUVENILE COURT CASES IN 1963

A record 601,000 juvenile delinquency cases (excluding traffic offenses) were handled by the juvenile courts in the United States in 1963, according to "Juvenile Court Statistics—1963," a report recently released by the Children’s Bureau. An estimated 518,000 children, or 1.9 percent of all children 10-17 years of age, were involved in these cases (some were referred more than once during the year).

The number of delinquency cases was 8 percent greater in 1963 than in 1962, while the child population aged 10-17 increased only 4 percent. The 1963 rise in juvenile court cases continues an upward trend which began in 1949. Delinquency cases surged upward during World War II, fell off sharply in the immediate postwar years, and then began to climb again in 1949, rising steadily each year except for 1961.

The Children’s Bureau report gives this explanation for the current upswing: "juveniles born in the late 1940’s when birth rates were high are now swelling the ranks of the 16-year-olds. This is a peak age for juvenile delinquency. It coincides with the critical time when compulsory school attendance ends in many States, when many young persons are making the difficult transition from school to work, and when all young persons experience the pressures of trying to bridge the gap between childhood and adulthood status."

Urban courts handled 8 percent more cases in 1963 compared with 1962; semi-urban courts, 10 percent more; and rural court cases went up 4 percent; this reverses the predominant pattern of recent years in which cases increased faster in rural areas than elsewhere. The rate of delinquency cases (cases per 1,000 child population) was about three times higher in predominantly urban areas than in mostly rural areas. Courts in urban areas handled more than two-thirds of all delinquency cases.

Delinquency cases continued to occur primarily among boys—they were referred to court more than four times as often as girls. The percentage increase in cases over 1962 was higher for girls, however—11 percent compared with 8 percent for boys.

On the basis of reports submitted by courts serving large cities, 43.4 percent of the offenses for which juveniles were referred to court were committed against property. Offenses against a person constituted 9.8 percent of the total. Other major categories of offenses were: offenses against public order and decency, 10.1 percent; serious motor vehicle violations, 3.5 percent; and offenses applicable to juveniles only (running away, ungovernable, truancy, curfew violation, etc.), 28.8 percent. Boys were referred to court primarily for (in order of frequency) larceny, burglary, and auto theft. Girls were most frequently referred for running away, being ungovernable, larceny, and sex offenses.

About one-third of the delinquency cases referred to courts serving large cities were dismissed with a warning or an adjustment. This does not mean that a high proportion of the children were innocent of delinquent acts. (The complaints were not substantiated in only 11 percent of cases.) Rather, stability of the child’s family and his potential for receiving proper parental supervision seemed to be the most common basis for dismissals.

In 1963, about half the delinquency cases were handled "nonjudicially" (without a petition) and half were handled "judicially" (with petition). In almost half of the cases handled judicially, the child was placed on probation; in almost one-fifth, the child was committed to care and custody of an agency or institution. Almost half the cases handled nonjudicially were adjusted, indicating that perhaps in these cases the offenses tended to be relatively minor or the child were without a history of serious delinquency.

Juvenile courts also disposed of about 366,000 traffic cases in 1963, a 17 percent increase over 1962. These cases involved about 315,000 different children, or 1.1 percent of the child population.

BAIL AND CRIMINAL JUSTICE

The National Conference on Bail and Criminal Justice was convened in Washington, D. C., in May 1964, to focus nationwide attention on the defects in the bail system, the success of experiments in improving it, and the problems remaining in its reform. The proceedings of the Conference include a report on the impact of the meeting—a list of pretrial release projects operating in forty-four cities and counties and on the drawing boards in thirty-five other communities, and a list of twenty-one professional organizations which, since May 1964, have placed bail on their agendas or have organized special bail conferences.

CRIMINAL PROCEDURE

During 1963-64, California’s Assembly Interim Committee on Criminal Procedure was concerned with arrest records, home furloughs for prisoners, narcotics and dangerous drugs, the grand jury system, child abuse reporting, telephone monitoring devices, therapeutic abortion laws, bail and citations, the defense of indigents in criminal proceedings, and parole and probation.

(Continued on page 38)
LEGAL SERVICES . . .

According to Professor Charles E. Acres, New York University School of Law, the law school curriculums continue to reflect the fact that “the highest rewards, professionally and materially, go to those who serve the clients able to pay the largest fees.” One of the most difficult challenges, he indicated, is to stimulate student interest in legal problems of the poor and other areas largely ignored by the profession.

At New York University, a seminar is offered on legal problems of the poor, with guest lecturers from other university departments to give a more rounded look at poverty. The seminar has attracted students of high academic standing.

The curriculum can be further strengthened, Professor Acres feels, by including more course work built around statutory material, and “There seems no reason why such a course could not be based on housing codes or almost any of the various welfare statutes.” Clinical experience, including work in agencies directly concerned with the problems of the poor, might well be a part of the third-year curriculum, he said.

Discussion following the presentations in this section brought out additional obstacles to student-lawyer programs: absence of teaching materials, lack of cooperation from courts, the constitutional question of whether a student lawyer can give adequate representation, and the problem of satisfactory job placement after graduation for the student who has been inspired to practice “poor man’s law.”

This conference thus served as a forum in which the many issues involved in providing legal services to the poor could be considered. In bringing lawyers and social workers together in a collaborative effort of national scope, it represented an important step forward.

Increased concern and awareness of the potentials for action in this area are apparent in the agenda of the 1965 National Conference on Social Welfare, to be held May 21-28 in Atlantic City. The theme of the conference is “Social Change Through Social Welfare and the Law.” The subjects include civil rights; social change through judicial, legislative, and administrative processes; protection of liberties from encroachment through legislation; planning legal services; the abused child, etc.

These wide-ranging discussions as well as the experimental programs being carried out in cities and universities indicate a new determination to find means of ensuring the rights of all citizens, regardless of socioeconomic standing.

ACROSS THE DESK . . .

CHILDREN IN PENAL INSTITUTIONS

“It is possible for children who have been removed from their homes through informal noncriminal process in juvenile courts to end up in jails, reformatories, penitentiaries, or other facilities for persons convicted of crimes. This is . . . an actuality in over one-half of the states of the United States, the federal system, and the District of Columbia. These are children who, for the most part, had been adjudicated as delinquent by the juvenile court. Many of them, found to be delinquent, have not committed acts which would be crimes if committed by an adult. . . . Two questionable practices cause this . . . situation. The first practice is the process whereby a child committed to an institution for children is transferred to a penal institution for persons convicted of crime. . . . The second practice is that of direct commitment of delinquent children by the juvenile court to a penal institution.”


DEATH PENALTY

The American Civil Liberties Union “believes that capital punishment is so inconsistent with the underlying values of a democratic system that the imposition of the death penalty for any crime is a denial of civil liberties. . . . The disproportionately large number of executions of members of the Negro race indicates that this penalty is often imposed as the result of racial bias. . . . There is also evidence of a compelling nature that the death penalty is more likely to be imposed upon one who is poor, regardless of his race, than upon one who has significant financial resources. . . . Contemporary notions of the significance of human life make imposition of the death penalty cruel and unusual punishment prohibited by the Constitution of the United States.” (Civil Liberties (American Civil Liberties Union) (227): 2, June 1965)

Fifteen executions were carried out by civil authorities in the United States during calendar year 1964. Of the fifteen men executed, nine were sentenced for murder and six for rape; eight were white and seven were Negro; and their median age was 31.9 years.

ANNUAL SOCIETY MEETING . . . PRELIMINARY ANNOUNCEMENT

The 1965 Annual Meeting of the American Society of Criminology will be held jointly with the American Association for the Advancement of Science on the Berkeley Campus of the University of California.

Meetings of the American Society of Criminology are scheduled for December 28, 29, and 30. Dr. Joseph D. Lohman, Dean of the School of Criminology, University of California, is serving as Local Arrangements Chairman.

The complete program will be sent to all members in November, and upon their request to other interested persons.

To assure proper accommodations at this year's meeting, we list the following information which was made available to us by the AAAS Housing Bureau.

Hotel and Motel Information. A deposit of $5 is required by all hotels and motels. Deposits are credited toward the final bill, and are refunded if cancellation is received not later than 10 days before the date of your reservation. Make checks payable to the AAAS Housing Bureau.

### Hotels

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<td>Durant (200)</td>
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<td>Shattuck (250)</td>
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*A few single rooms at $5.50, twins at $7.50.

### Motels

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<td>Golden Bear (44) (and others)</td>
<td>7.00-8.00</td>
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### Residence Hall

Single occupancy—$7.50 without meals; $8.50 with breakfast and lunch.
Two in a room—$6.50 each without meals; $7.50 each with breakfast and lunch.

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### AAAS Housing Bureau

P.O. Box 210
Berkeley, California 94701

Date of Application: ____________________________
Deposit of $ ____________ enclosed

Please reserve the following accommodations for the 132nd Meeting of the AAAS in Berkeley, 26-31 December 1965.
I shall be participating the meetings of the American Society of Criminology.

**First Choice of Hotel, Motel, or Residence Hall**

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**Second Choice**

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**Number in party:** ____________

*Sharing this room will be: *

(List name and address of each person, including yourself. Attach list if space is insufficient.)

**DATES: ARRIVAL**

A.M. ____________ P.M. ____________

(These must be indicated—add approximate hour, A.M. or P.M.)

**DEPARTURE**

A.M. ____________ P.M. ____________

**NAME**

(Individual requesting reservation)

**ADDRESS**

(Street) ____________ (City) ____________ (State) ____________ (ZIP Code) ____________

Please print or type

Mail this coupon now to the AAAS Housing Bureau. Enclose hotel or motel room deposit if needed. Make checks payable to AAAS Housing Bureau. All rooms will be assigned and confirmed in order of receipt of reservation.