Correctional System Needs

Susan S. Cole
Correctional System Needs

Susan S. Cole

One of the most difficult and pressing problems now facing local, state and national leaders is the failure of the criminal justice system. There is ample evidence of the system's failure: during the years 1960 to 1969, when the population increased by 13%, crime increased 148%,¹ and it is still increasing. Yet, correctional institutions do not appear to be places where criminal behavior is changed or where offenders are rehabilitated. They appear to be, instead, places where offenders are exposed to the most advanced criminal techniques and the most extreme anti-social behavior. Recidivism rates are estimated as high as 80%.

Citizens are frustrated and afraid. Perhaps worst of all, they are exhibiting a growing responsiveness to violence and an increasing willingness to use force to stamp out this threat, and, thereby, bypass the system altogether. We have spent a great deal of time trying to assess blame within the criminal justice system. We accuse law enforcement officers, the courts, and the correctional institutions. In addition, many questions whether improvements in the criminal justice system will have a significant effect unless we also progress toward obliteration of such social conditions as poverty, disease, unemployment, illiteracy, and racism that contribute to criminal activity.

This paper focuses on some of the problems in the correctional area; the correctional area being defined as that system of institutions and programs through which society attempts to deal with the convinced offender. Some of the problems mentioned (e.g. bail) overlap other areas of the criminal justice system, but they are discussed primarily as they relate to corrections. It is assumed that the correctional system serves the function of protecting society not simply by isolating and punishing the offender, but by providing methods that enable the offender to modify his behavior—by attempting to rehabilitate him—in preparation for his eventual re-entry into society. The problems examined are (A) the overloading of the correctional system and (B)

Susan S. Cole is a former legislative assistant, State of Indiana.
correctional officer training. Section C is a discussion of community based approaches to corrections. The proposals offered do not provide complete answers or solutions to the failure of the criminal justice system. They are intended, rather, to serve as practical starting points for much-needed reforms.

* * * * *

"... treating offenders ... as human beings ... has nothing to do with coddling of criminals. It has to do with trying to help them, while at the same time protecting society by trying to make them self-respecting, useful citizens rather than recidivists."

A. Overloading of the system

1) Experts in the criminal justice area claim that the entire system is overloaded. One example of this overload is overcrowding in the prisons. Daily Indiana prison population averaged 4,999 inmates in May 1972—900 more than the total capacities of the State Prison, State Reformatory, State Farm and Women's Prison. The following table in the Indianapolis News, June 2, 1972, shows the May 1, 1972, population breakdowns, design capacity, and estimated historical population highs:

<table>
<thead>
<tr>
<th>Adult</th>
<th>Capacity</th>
<th>Population</th>
<th>High</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indiana State Reformatory</td>
<td>1400</td>
<td>2113*</td>
<td>3,000</td>
</tr>
<tr>
<td>Indiana State Prison</td>
<td>1600</td>
<td>1818*</td>
<td>2,400</td>
</tr>
<tr>
<td>Indiana State Farm</td>
<td>1000</td>
<td>922</td>
<td>1,500</td>
</tr>
<tr>
<td>Women's Prison</td>
<td>130</td>
<td>146</td>
<td>165</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Juvenile</th>
<th>Capacity</th>
<th>Population</th>
<th>High</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boys School</td>
<td>300</td>
<td>616</td>
<td>620</td>
</tr>
<tr>
<td>Girls School</td>
<td>175</td>
<td>195</td>
<td>275</td>
</tr>
</tbody>
</table>

* Part housed in youth center or camps or work release (prison and reformatory centers).

These results include overcrowding and brutalization of inmates by other inmates, inmate suicides, and riots. When there is not enough room, when there are not enough facilities, when there are not enough staff even to supervise, much less rehabilitate, how can we expect to bring out of the prisons resocialized, reformed, rehumanized offenders?

Perhaps even more than the problems overcrowding causes are the problems it demonstrates. Overcrowding is the result of failures throughout the criminal justice system. Sociologists, criminologists, and
other experts in the corrections field argue that many people who make up jail and prison populations should not be incarcerated at all. Unfortunately, we have for a long time used our jails and prisons as catchalls for all sorts of people who deviate from the societal norm, even when imprisonment is clearly known to be an inappropriate solution. The reason for this, in many cases, is that judges simply have no alternatives. According to President Judge Cramer of the Marion County Municipal Courts, "We put our narcotic and alcohol problems in jails and penal institutions because there is nothing else. We don't have a big hospital to refer them to." He goes on to say, "The removal of alcoholics and addicts from criminal code sanctions is okay, if we had a place to put them."

Judge Cramer here gives a cautious endorsement of the popular current theory that calls for decriminalization of certain "victimless crimes," such as gambling, prostitution, public drunkenness, narcotics possession or addiction, unusual or homosexual sex practices between consenting adults, etc. The argument is that these are social problems, or simply personal matters that fall outside the realm of public scrutiny and condemnation. Whatever one's moral views, the important point to remember is that incarceration of an addict or an alcoholic does not provide a complete solution to the problem. Incarceration wastes resources and contributes to overcrowding of correctional institutions. Since before long the addict or alcoholic will be back on the street with his problem, incarceration offers only temporary relief at best.

Of course, it is not enough to simply decriminalize these offenses. We must also provide alternative forms of care and treatment. Diversion of these "offenders" to social services or job training or employment opportunities must be a part of any plan for decriminalization. Diversion is a new development in correction planning that provides alternative ways of utilizing the individual's energies that have previously been directed in illegal ways.

2) The problem of overcrowding would be somewhat ameliorated by reform of the bail bond systems. Many people who fill our detention centers are good risk candidates for bail, but they cannot afford to pay even a percentage of the set bail. Among the bail alternatives tried are release on own recognizance, release on a summons or citation to appear at a specific time and date, and payment of nominal bail (e.g. $1.00). It has been clearly demonstrated that ability to pay is not a relevant indicator of the defendant's likelihood to show up at trial or hearings.

3) Another way to relieve overcrowding in the prisons is to reduce the long time lag between arrest and the ultimate disposition of the case. Speedy trial is a right guaranteed by the Constitution. Not only
is it of benefit to the accused, but it has the important effect of reducing the average prison population. Implementation of this proposal would require broad judicial reforms, possibly including the employment of court administrators, speedier trial courts, rules of procedure, and more judgeships.

4) A fourth approach to reducing jail populations involves the use of alternatives to incarceration for convicted offenders. Such alternatives could include increased usage of the suspended sentence, fines, and probation. Misdemeanant parole and early release have been recommended for the purpose of decreasing jail crowding as well. While these kinds of post conviction release should be used whenever feasible, they are, of course, controversial and politically sensitive. Section C of this paper explores a middle ground between outright release and old style incarceration.

B. Correctional officer training.

According to the President's Commission on Law Enforcement and the Administration of Justice, "Life in many institutions is at best barren and futile, at worst unspeakably brutal and degrading . . . . The conditions in which (inmates) live are the poorest possible preparation for their successful reentry into society, and often merely reinforce in them a pattern of manipulation or destructiveness." What appears to be needed is a shift in emphasis from custodial care to rehabilitation of inmates. At the present time, custodial services in Indiana overwhelmingly outweigh treatment or rehabilitation services by ten to one. While improving the quality of life in prisons is certainly a difficult task, given the inherent dehumanizing nature of correctional institutions, a logical place to start is with prison personnel.

At the present time correctional officers in Indiana receive virtually no training for their jobs. In addition to basic self defense and weapon use training, the neophytes complete the one week general orientation course, standard for all new Department of Corrections employes—most of whom will never even enter a prison. Thus, Indiana's prison guards, who have intense and constant close contact with offenders, and who are expected to deal effectively with hostility and anti-social behavior as well as situations of extreme tension and danger, sometimes begin their jobs virtually untrained.

The ability to communicate, to be sensitive to crime-related social problems, to resist the impulse to punish, and to strive for the goal of rehabilitation though basic knowledge about human psychology and interaction are learned skills. Unless prison guards are equipped with these skills, they are unlikely to contribute positively to rehabilitation
efforts. On the contrary, they are likely to reinforce criminal behavior. An obvious way to begin to make use of prison guards is to train them so they will be better able to make conscious and appropriate decisions to the problems they confront. The three month training course developed by New York State after the tragedy at Attica offers some interesting concepts for training prison guards. The course is designed to provide correctional officers with knowledge and skills for their own protection, to teach them principles of human relations and the rights of prisoners, and to sensitize them to the goals of rehabilitation and resocialization.

The Indiana Legislature will be in a good position to initiate a similar program when the staff and facilities of the newly developed Law Enforcement Training Academy (LETA) become available. Present plans for the use of the Academy involve primarily police and sheriff training, but LETA planners agree that the facilities and staff would certainly be suitable and could be made available for a correctional officers training program. Such a program would have the dual advantage of providing much needed training for prison guards and making more efficient use of the training facility.

C. Community based corrections

It has become increasingly clear that our present traditional correctional institutions neither reform nor rehabilitate. What they do is to temporarily remove the offender from society to an environment where his criminal skill is increased, and his anti-social behavior is reinforced. The difference between the prison world and the outside world is so great that even the model prisoner, the offender who has adjusted well to prison life and therefore is a typical parole candidate, is not necessarily equipped to adjust to the world outside the prison. As a result of these insights, projects offering alternatives to institutionalization have been initiated in a number of states. The theory is that, “if prisons do not rehabilitate, and if the stated goal of correction is to reduce recidivism through integration of offender and community, it seems irresistibly logical that treating the offender without removing him from society will be more effective.” These projects are based upon the idea that so-called “Intensive Community Intervention,” a middle ground between institutionalization and probation, is more effective in attaining the goal of rehabilitation than is institutionalization.

These projects have attempted to bring about behavior changes by such non-forceful alternatives as individual or group counseling, guided group interaction, or development of a non-delinquent culture through controlled peer group influence. By requiring non-residential treatment,
many of these programs have involved highly supervised probation, or attendance center counseling or guided group interaction for those who lived in the community. Residential programs have placed offenders in group or foster homes as alternatives to institutionalization.

The results of such programs have been encouraging. Though it has not yet been shown that community based treatment programs are any more successful in reducing recidivism than are institutions, it has been shown that community based programs are at least as effective and safe. Further, they are considerably cheaper. The Indiana Council of the National Council on Crime and Delinquency, for example, estimates that the cost of keeping an offender in a community-based program is less than one third the amount it costs to confine him in a state institution. In addition to being economical, community based treatment programs are presumably far less personally damaging than are institutional programs.

The concept of community based corrections has developed beyond early experimental ideas. While there is not yet a model comprehensive community based system in existence, corrections experts are now envisioning a regional system of centers as a viable alternative to institutionalization for the greater portion of offenders. Although program definitions vary, the basic concept is that offenders participate in a program of services, most of which are provided by the community through a center located within the community. Among the services and programs available could be job and vocational training, work or educational release programs, personal and family counseling, medical, psychological, and drug addiction or alcoholism rehabilitation services, diagnostic services, and a graduated release program. The center could have residential facilities for those on work or educational release programs. Others using services only during the day would live in the community and attend the center through probation or parole arrangements.

The community center concept appears to have a great many advantages, perhaps the greatest being flexibility. Corrections officials can tailor the sentence to the changing needs of the criminal, and not to the crime. The "social misfit" is allowed interaction with the society that so labelled him, with the possible result that the society may change a bit, too. Judges have the alternative of providing rehabilitative services to an offender without ever causing him to enter a prison. Corrections officers may ease a prison inmate's transition from the institution to society by providing counseling, job training and work programs. Finally, offenders can maintain ties with their families and communities.
The Federal government demonstrated its commitment to the community concept in Part E of its 1970 Amendment to the Omnibus Crime Control and Safe Streets Act of 1968. The Amendment makes federal money readily available for community programs of diagnostic services, probation and parole, halfway houses, and work release. The State of Indiana has made a commitment to this concept as well: the 1971 Legislature passed the enabling legislation necessary for the development of community based corrections centers in Indiana (P.L. 154, Acts 1971), although it made no appropriation. The 1972 Legislature, however, included in its supplementary budget bill an appropriation of $150,000 to be used to match $450,000 of federal funds allowing the Department of Corrections to develop a pilot community based corrections program. Unfortunately, this money was lost with the bill’s failure to pass.

The Department of Corrections, through the consulting firm of Ernst and Ernst, is presently preparing a ten year master plan for developing a coordinated system of community based correction program in Indiana. According to a recent News article though the Department of Corrections hopes in the future to be able to treat the 75-80% of convicted offenders who are not dangerous in community based programs, some officials fear this hope is only a “Walter Mitty Pipedream.” In order to make this plan more than a pipedream and to bring a system of community based centers into being, state leaders will have to give their full support to the concept. Money to finance the development of the system will clearly need to be provided and legislative changes may need to be made to support community based corrections efforts. It is the responsibility of state leaders to inform themselves about the progressive and creative solutions so they can both help in the development and realization of the idea and perform their leadership function in gaining public support for it.

Summary

Our criminal justice system, including the law enforcement branch, the courts, and correctional facilities and programs, is faltering badly. The system needs the attention of leaders who are educated in its problems and can offer creative solutions. This paper has suggested some sources of help to the corrections part of the system.

Suggestions for reducing the overload on the corrections system by decreasing prison populations include decriminalization of “victimless crimes” and the corresponding diversion of, say, addicts, and alcoholics to social services; bail reform; provision of speedy trial; and the use of alternatives to incarceration for convicted offenders.
The development of greatly expanded training courses emphasizing the principles of human relations for correctional officers would appear to improve the quality of custodial care of offenders and perhaps even alter the nature of care to make it compatible with rehabilitation and treatment efforts. With the help of state leaders such a training program could be offered at the still developing Law Enforcement Training Academy, thereby making more efficient use of the Academy’s staff and facilities.

The last and most far-reaching suggestion involves a commitment to the concept of regional community correctional centers. The benefits of the community concept appear to be many, both in human terms and in economic terms. This is a far-reaching idea, and its realization will require the full and continued support of state leaders.

FOOTNOTES:

3. In recent years, for example, an estimated 50-60% of Indianapolis arrests have been for public intoxication (Indianapolis News, June 1, 1972, p. 40).
11. According to the Committee for Economic Development, “63% of federal parolees released in 1963 were rearrested within six years, as were 76% of those given mandatory releases. Such information as is available indicates that experience with state prison releases is comparable.” from: “Reforming Corrections,” Reducing Crime and Assuring Justice, Committee for Economic Development, New York, 1972, p. 44.
13. Community Based Correctional Programs discusses many of the early experimental projects revolving around the concept of community based corrections. See CBCP, op. cit., pp. 7-30. An interesting example of an on going community program is Pennsylvania’s Yoke Crest program which relies heavily on guided group interaction therapy. It should be noted, too, that Indiana (along with many other states) has in its work release program a project based on the community-correction concept. Program participants work at jobs in the community and reside in supervised living quarters. Salaries of participants are disbursed for their support at the center, the support of their families and savings. While this program makes use of the community treatment concept, it represents only one possible program to be included in the system of community based correctional centers proposed later.
14. Community Based Correctional Programs, op.cit., p. 33.
15. The experiments discussed in CBCP indicate that "a large number of offenders who are candidates for incarceration instead be retained in the community as safely, as effectively, and at much less expense," CBCP, p. 33.

16. The average cost of confining an offender in an Indiana institution in 1969-70 was $2,838 (Source: Department of Corrections).


18. The Indiana Criminal Law Study Commission, created by the Governor on March 30, 1970, has been at work revising Indiana’s criminal laws and rules of procedure. The Commission is charged with developing a procedural code adapted to contemporary law enforcement and court needs and with revising the substantive criminal code by eliminating anacronistic laws and redefining certain crimes to fit the contemporary context. Presumably, they will offer solutions to some of the problems discussed here, and with the support of state leaders, their solutions may be implemented.