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## SOME SUGGESTIONS FOR THE DEVELOPMENT OF CORRECTION PROGRAMS IN WYOMING

E. K. NELSON, JR.\*

The past decade has seen increasing agreement among social scientists and career penologists regarding the elements of a good state correctional system. Of course, there are wide differences between the various states which create special and divergent needs, but there is remarkably little difference in the basic programs required to cope with the problems of crime as we understand them today.

It is an unhappy historical truth that these programs tend to develop tardily and only under the pressure of urgent problems of social disorganization. In combating crime, we are forever dealing with crises rather than taking effective measures of prevention and control before the situation has taken on the dimensions of an emergency.

Wyoming now occupies an unusual position among the several states. While this state has a crime problem, its severity is significantly below that of many other localities in North America. The incidence of crime has increased most sharply in the densely populated areas which spawn complex sociological and psychological problems. But the citizens of Wyoming can ill afford complacency in this matter, for the factors favorable to crime within the state are slowly and inevitably on the increase. Those responsible for the administration of criminal justice in the population centers of the state will testify to the validity of this opinion on the basis of their own experience with delinquency problems which have become observably more severe in recent years.

The number of child delinquents in the United States increased 19 per cent between 1948 and 1951, while the number of children in the major age group affected (10-17) increased only five per cent in the same period.<sup>1</sup> It is estimated that the total number of children in the age group 10-17 will increase 45 per cent between 1950 and 1960 as the infants born in the time of World War II reach adolescence.<sup>2</sup> These and similar facts may give a pause to those who seek to minimize the need for development of adequate correctional machinery in this state.

Wyoming has an opportunity to profit from the experience of other states which have learned only by bitter mistakes to deal with aggravated crime through a sound correctional program. We need not repeat their

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1. "A Few Facts About Juvenile Delinquency," *Federal Probation*, March 1953, pp. 22-24. (Reprinted from *The Child*, December 1952, published by the Children's Bureau, Federal Security Agency.)
2. *Ibid.*, p. 22.

painful ordeals of trial and error, for it has been amply demonstrated for us that a positive program of rehabilitation in the place of mere punishment of offenders is not simply more humanitarian but, in the long run, more economical. People will pay the price of good correctional organization whether they have it or not. Most informed citizens would prefer to spend their money for the prevention of future crime rather than the futile and endless application of punitive measures to chronic offenders. In order to accomplish this objective, we must develop preventive and remedial programs which will stand the hard test of use. The remainder of this paper will be devoted to a summation of the methods which seem to offer the greatest promise of success in this undertaking.

In response to requests from many states, the American Prison Association (hereafter referred to as the A.P.A.) published a comprehensive statement of suggested standards for a state correctional system, a synopsis of which was presented in 1947 in *The Prison World*.<sup>3</sup> Since this report represents the concensus of authoritative opinion on the subject, we may use it as a guide in briefly appraising the present status and future needs of the correctional programs of this state.

1. The A.P.A. urges continuity in correctional efforts so that probation, institutional care and parole become parts of the same process, and data obtained in early studies of the offender may be used in the subsequent treatment of his case.

Wyoming has achieved a substantial degree of integration of the three functions mentioned above through administration of them all by the State Board of Charities and Reforms. However, there is a need for implementation of the continuity concept through meaningful collaboration between the various officials involved in the planning treatment for individual offenders.

2. The A.P.A. recommends control of the correctional system through a separate state department headed by a professionally qualified administrator.

The lack of such an administrative arrangement in this state reflects a fundamental need for future development. It may be argued that the number of offenders involved does not justify an autonomous department of corrections, but this writer believes that the machinery for using rational methods to control crime should be perfected before the problems become so critical as to force hasty action in this direction. The development of distinct state organizations for both juveniles and adults in California furnishes an excellent example of the rehabilitative programs which can be mobilized on the base of a sound administrative plan.

3. The A.P.A. calls for the extended use of probation as a device to

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3. "A Manual of Suggested Standards for a State Correctional System, Some Excerpts," *The Prison World*, May-June 1947, pp. 20-22, 38.

avoid the debilitating effects of incarceration in the case of offenders judged capable of working out a socially acceptable adjustment under supervision in the community. Properly understood, however, probation is not an impulsive act of leniency. In order to achieve the salvage of human personalities and the economies claimed for probation, the following factors must be present: (a) a thorough case study of each offender followed by recommendations to the court as to the wisdom of granting probation and its conditions if granted; and (b) the intensive casework supervision of the probationer through which he is helped to work out his problems and to live within the limits established by society to regulate his behavior. Moreover, it is desirable that both investigation and supervision be performed by professionally qualified probation officers.

Wyoming has a workable probation law and the beginnings of a sound probation organization, but it is absurd to expect qualitatively good probation work from the small staff now charged with responsibility for administering both probation and parole in this state. Accepted standards require a caseload of about forty probationers per officer, and Wyoming cannot reap the benefits of this promising trend in the correctional field until some proximity to that figure is attained. It is to be hoped, additionally, that probation work in the future can be enriched by the gradual acquisition of professional services such as the use of psychological and social workers skilled in the investigation and supervision of cases.

4. The A.P.A. further recommends a diversification of correctional programs so that the differing needs of individual offenders may be met through some combination of existent services. Penal institutions, for both juveniles and adults, should afford varying degrees of custodial control, from maximum to minimum. There should be well balanced work programs in all institutions designed to meet the rehabilitative needs of inmates and furnish revenue to the state. Diverse recreational activities should be carried on in all places of confinement to counteract the apathy which is associated with idleness. Institutional libraries should be replenished through a revolving fund and made freely available to inmates. Religious programs should offer understanding guidance and individual counseling as well as formal church services suitable for all sects. Adequate medical and dental services should be provided for all incarcerated persons to deal with chronic as well as acute conditions. A wide range of educational opportunities (utilizing both classroom instruction and correspondence courses) should be made available to inmates of all ages. The presence of such heterogeneous programs permits the development of a treatment plan for each offender which meets the problems and weaknesses underlying his criminal behavior. This approach is a far cry from the mere imposition of a punishment graded to fit the crime.

These goals may sound foolishly idealistic when applied to the realities of correctional institutions in Wyoming today. It must be remembered,

however, that sound growth can occur only when each forward step is oriented toward sound objectives.

The writer is reluctant to comment upon the programs operative in the two state institutions for juveniles because of a lack of personal contact with them, but we may assume a need for further development in most of the areas outlined above. The State Penitentiary has initiated some of these positive programs (e.g., the availability of correspondence courses for inmates), but they exist at a rudimentary level. The concept of a number of institutions providing different levels of custody clearly is impractical for the immediate future, but there is much to be gained through experimentation with this principle in given institutions, and some progress has been made along this line at Rawlins.

The citizens of the state should know more about the activities of inmates in correctional institutions in order that they may understand and support meritorious reforms. For example, the writer believes that most citizens, if cognizant of the facts involved, would favor the development of additional industries in the State Penitentiary beyond the manufacture of license plates and road signs. This activity occupies only about 35 men for a small part of each year, although additional employment is planned after the completion of new cell block construction. It seems only sensible to combine work programs possessing a rehabilitative value for the inmate with activities which lessen the financial load of supporting law breakers at public expense. Thus, we may hope for the future development of institutional employment in producing goods, such as office furniture, which may easily be diverted to state use.

5. The next ingredient advocated by the A.P.A. for state correctional systems is the classification of offenders for purposes of treatment. Classification represents a fresh and important trend in the post war penology of this country. It means much more than the separation of criminals on the basis of such superficial criteria as age, offense or degree of custodial hazard. Today, classification involves the use of clinical methods to identify the needs of individuals and the planning of a treatment program designed to meet those needs. Our best classification programs utilize reception centers to which all newly sentenced inmates are routed, and in which teams of clinicians conduct intensive diagnostic studies leading to specific recommendations for treatment by the receiving institutions.

The accomplishment of classification in Wyoming corrections would necessarily be a gradual process. The disciplines of psychiatry, psychology and social work are being introduced, bit by bit, into both institutional programs and probation and parole services. We cannot expect assignment of these professional people solely to the correctional facilities in the near future, but more and more of their services should be secured on a part time basis as time goes by. For example, the State Psychiatrist could join the personnel of the State Hospital in evaluating serious emotional

problems of offenders; and state welfare workers could devote more of their time to the investigation and supervision of applicants for probation as a service to the various courts of the State. The ultimate goal, of course, is to develop these clinical contributions as a part of the structure of a department of corrections, so that a coordinated program of diagnosis and treatment of offenders may evolve as it has in certain states, notably New York and California.

6. The A.P.A. also considers adequate discipline to be an essential prerequisite to the efficient operation of penal institutions. Discipline is defined to mean more than the prevention and punishment of rule violations. It is concerned also with the maintenance of good order and reasonable standards of conduct through high morale and instruction in self-discipline.

Perhaps the major unsolved problem of modern penology is the achievement of effective cooperation between the rehabilitative and the custodial programs of correctional facilities. The recent riots which have plagued American prisons may be accounted for partially in terms of friction and misunderstanding between these two divisions of the penal program. We are coming to understand that good discipline in the form of firmly established limits on inmate behavior is essential to rehabilitation, and that the presence of treatment resources within the prison is essential to good discipline since incarcerated persons characteristically become mutinous when their legitimate needs as human beings go unmet. Mistakes in prison discipline invariably take the form of either extreme laxity or extreme harshness. The good prison administrator, like the good parent, must enforce reasonable rules firmly and decisively, while respecting the basic integrity of the inmate's personality. This approach creates an atmosphere in which the inmate knows where he stands and hence is not motivated to "test the limits" in an uncomfortable effort to see what he can get away with. In such a situation, the inmate is psychologically free to take advantage of the positive aspects of the prison program which we have discussed.

It would be unfair to comment upon the degree to which discipline and treatment are integrated in Wyoming institutions without an intimate knowledge of their programs. We can only say that the objective in Wyoming, as in almost all other states, must be the development of sound rehabilitative services without the diminution of firm and judicious custodial controls.

7. Finally, the A.P.A. emphasizes the need for a parole system which blends into institutional programs and furnishes constructive supervision to the complexities of free living. Many criminologists today urge that all offenders who are released at all should be released on parole in order that their progress may be watched carefully and the danger to society correspondingly reduced. Parole is much misunderstood since sensational

publicity often leads the public to believe that new adventures in crime by former inmates occur because of the granting of parole. In actuality, almost all criminals must eventually be released from prison, and the truly important principle is that they should be released at the time and under the circumstances which offer the highest probability of future abstinence from crime.

According to the A.P.A., the weaknesses and failures of parole organizations are due most often to political interference with the paroling process. Accordingly, it is urged that parole boards be so constituted as to be free from all partisan influences, and that the members of such boards be equipped by training, experience and professional attitude to carry out the difficult task of selection of parolees which is the very keystone of good parole. Beyond this, the same sort of intensive case study and supervision is required for good parole as that described earlier as being essential to good probation.

The shortcomings of Wyoming in the matter of parole should be evident to all objective persons who are conversant with the makeup and function of the paroling authority of the state. The State Board of Charities and Reforms seeks conscientiously to reconcile the public welfare with the needs of inmates in issuing paroles, but the law which creates its authority to act in this matter fails to provide the machinery necessary to understand each potential parolee intimately and supervise him adequately once he is released.

The elements of an effective parole system are no longer much controverted in the correctional field. The so-called "adult authority" and "youth authority" plans (originating in research carried out by the American Institute) are favored by most penologists. These systems vest the power to determine length of sentence in a board of professionally qualified individuals who work full-time at the task of selecting parole dates and administering the system of parole supervision. Several states have adopted this approach, with various modifications, and Wyoming might follow the pattern thus arrived at with considerable profit.

These comments have been worked out in a constructive rather than a critical spirit, and it is hoped by the writer that they will be received in similar vein. The people of Wyoming need not feel that their correctional programs have lagged behind those of other locales with comparable populations and sociological compositions. In truth, our entire civilization has failed to cope with crime effectively, and, in one sense, crime is merely a manifestation of the myriad unsolved problems of our social order. For centuries, we have staked all on the supposedly deterrent effect of punishment, only to discover repeatedly that the purely punitive approach accomplishes little good and sometimes serves to more deeply engrain anti-social patterns of behavior in the offender. The state can no more develop good citizens through repressive measures than the parent can develop good

children by a similar approach. Many years ago, English judges were forced to abandon the public hanging of thieves because of the growing problem of theft which occurred in the large crowds gathered to witness the executions.

Only in recent years have we developed workable substitutes for punishment. This paper has attempted to suggest the nature of some of these more positive measures.