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Maurice H. Sigler

United States Board of Parole, Justice Department

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A NEW PARTNERSHIP IN CORRECTIONS*

*Maurice H. Sigler***

I need not remind this distinguished audience that the year since we last met has been one of the most tempestuous in the history of American corrections. The uproar really didn't start with Attica. It's been brewing for a long time. But Attica touched it off. Since then we have had recurrent disorders and unrest accompanied by wide public debate. Newspapers and periodicals nowadays often include articles and editorials on the shortcomings of corrections. The courts, legislative committees, church groups, chambers of commerce, and similar community organizations have joined in to have their say. Instant penologists have come out of the woodwork.

I am somewhat constrained to ask them: Where have you been!

Last December at the National Conference on Corrections called by President Nixon, the message was loud and clear. The country expects change and it expects action to bring about that change.

To put it bluntly, the field of corrections is experiencing a crisis in public confidence, and the crisis shows no sign of abating. Unlike times past we can't expect to handle the problem by letting it wear itself out.

The question we have to face is: What are we going to do ourselves to restore confidence in our corrections system?

Pittsburgh is an appropriate place for us to consider this question. It was here in 1891 that the American Prison Association met for its annual congress. The president that year was Rutherford B. Hayes of Ohio, who had also been the 19th President of the United States. Among other things he observed:

The young and the thoughtless—the beginners in law breaking, and the accidental criminals suspected of guilt, are arrested and lodged in city prisons or county jails, and there detained for trial, huddled together with old and hardened offenders to be educated and trained in the whole art and mystery of criminal life.¹

* President's Address before the 102d Congress of the American Correctional Association, August 21, 1972, Pittsburgh, Pennsylvania.

** Chairman, United States Board of Parole, Justice Department; former Director, Division of Corrections, State of Nebraska; former Warden, Nebraska State Penitentiary.

1. NATIONAL PRISON ASSOCIATION OF THE UNITED STATES, PROCEEDINGS OF

Thirty-five years later, in 1926, the Association again met in Pittsburgh, this time under the presidency of Sanford Bates, the dean of past presidents of the American Correctional Association and the first director of the Federal Bureau of Prisons. He said this:

Surely no more outstanding need exists today than an increase of cooperation among all city, state and national agencies seeking a reduction in the volume of crime The outstanding problem of today is how to bring a more united intelligence on the whole matter and a greater tolerance and confidence²

Their comments are as relevant today as they were then.

As most of you know, I have been in corrections for a long time. I suppose if anyone can be called a traditional correctional worker, I fit the description. I started as a guard at Leavenworth, and I think I had to do every nasty job a new guard is called upon to do. There were, and are, plenty of such assignments—the guard towers, yard patrol, the isolation building, and of course, the morning watch, the bane of every officer's existence.

I, for one, reject the image of the line officer as a coarse and unreasoning brute who depends on a club or his fists. In all of the uproar about corrections during the past year, I have noted little recognition of the fact that the guard has a tough and extremely difficult job. He has to take a lot from his charges. It has always been a mystery to me that so many guards stick it out. In my days the "depression" brought them into the work and made them put up with it, but those days long since have gone. It would be easy for me to react defensively to all the criticism we hear these days about corrections but it would be a mistake. It would be a mistake for corrections generally to react in this manner.

The fact is: It is time, long past time, for change in corrections. Our critics may have some of the facts wrong and some of their assumptions certainly are wrong. But the thrust of what they are saying is correct. We know—all of us know—that corrections has not kept up with the times. We know that no matter how hard we have worked at it, our programs are not always what we have claimed them to be, and we are not doing the job of rehabilitation that the times demand and the public expects.

We cannot and should not accept the entire blame, not by a long shot. But it is useless to console ourselves with this excuse.

THE ANNUAL CONGRESS OF THE NATIONAL PRISON ASSOCIATION OF THE UNITED STATES 17 (1892).

2. AMERICAN PRISON ASSOCIATION, PROCEEDINGS OF THE 56TH ANNUAL CONGRESS OF THE AMERICAN PRISON ASSOCIATION 23 (1926).

We must forget about the past—and the many bruises and disappointments we have encountered as advocates for improvements within our respective agencies—and take the leadership in moving out and moving ahead.

Time is going a lot faster than it used to. I recall in my penitentiary days that nothing much changed from one day to another, from one year to another, or even one decade to another. But we are living in a time of accelerating change, and we in corrections have to take the ball and start running fast just to keep up and maybe pull a little ahead.

Let me suggest some directions.

First, we must change our attitudes toward the courts. The courts have not necessarily singled out corrections for attention and interference. In fact, for many years under the "hands-off" doctrine, the courts left us alone entirely. Perhaps we failed to take advantage of it. What has happened more recently is only a sign of the times. The decisions of the courts are being felt in many facets of American life—in race relations, the environment, taxation, voting apportionment, and so on. It would be unrealistic for us to expect that we would continue to be exempted forever. Corrections is a public function and the attention of the courts is overdue. Frankly, judicial review will be with us from here on out.

In committing offenders to us, the courts have assigned us the responsibility for their care and welfare. All of us have acknowledged that responsibility. It is inconsistent and ill-advised for us to fight every case that comes along involving the rights of our clients. After all, who is supposed to be most concerned about their welfare? Yet we have fought these cases repeatedly, all the way to the Supreme Court of the United States if possible.

There have been enough cases now that we know the general direction and trend that further cases will follow. In the future instead of resisting these cases—except perhaps for those which may be too absurd—we ought to anticipate them and take action to make litigation unnecessary.

So far we have been able to live with the rulings of the courts. They haven't brought about the disastrous consequences some of us have predicted. Instead, the effect of the courts' new interest in corrections has been beneficial.

For my own part, I must admit that in my day as a line officer I did not question the regulations and the restrictions on mail, visiting and access to the press, the courts and attorneys. Those of you who have been in corrections for some time know, as I did,

that you did not hold on to your job very long if you questioned the policies and orders that were formulated in the front office and handed down from one level of command to another. Or if you held on to your job, you might find yourself buried for years on the morning watch or in a tower. We were trained to do our jobs unquestioningly and we had no choice.

Today we are living in a different time. There are few facets of American life that are not undergoing reexamination and criticism. It is time to clear away traditional habits in corrections and take a hard second look at everything that we do. We are being weighed by a tough measure and we must evaluate our policies and practices by harder and tougher standards of our own.

Second, we must change our attitudes toward lawyers. Like the courts, they are more active these days in many areas of American life. Young lawyers particularly are not as interested in representing corporate clients as they once were. They are more concerned with public issues and human rights. They are looking for new challenge, and many of them have found it in corrections.

As a warden, I became irritated from time to time by lawyers who were too persistent and perhaps even downright unsympathetic with my point of view. They can be pretty vigorous in behalf of their clients.

But they are not really threatening us, and we should not consider them adversaries. Their job is to look out aggressively for the interest of their clients. But ultimately they are guided by the same rules of law that we are, and perhaps that is why some of us are somewhat apprehensive in dealing with them—they know more about the law than we do. And we sense we are on shaky ground.

That is why we should take a different tack. We should have lawyers help us plan our policies and programs. We ought to have them take a look at what we are doing and advise us as to the legal problems they perceive. Not only would it save us a lot of time in court, but also it would enable us to anticipate difficulties and take action to resolve them before they become full-blown headaches.

In my last position as Director of Corrections for Nebraska, I found lawyers to be extremely helpful rather than annoying. For ten straight Sundays, four lawyers met with me at my house and helped draft legislation that the corrections system badly needed. Their services were worth many thousands of dollars if they had charged me at their regular rates; however, my department didn't have a budget for such services and I wasn't charged a cent. As

a result, Nebraska passed model legislation which provides for a progressive correctional system.

Every correctional agency ought to enlist legal advisers, preferably not on the payroll to preserve their independent viewpoint. I am sure that the American Bar Association's Commission on Correctional Facilities and Services would be willing to assist in making such arrangements. The benefits would be many, including a feeling on the part of our clients—that we must concede many of them do not have now—that we intend to govern ourselves by the law.

Third, we have to change our attitude toward the media—the press, radio and television. It has become a cliché in corrections to say this and to claim we are cooperating fully. Yet there still are too many restrictions, all too often under various excuses supposedly related to good order, discipline and protection of reporters.

But let's face it, the main reason these restrictions are imposed is because we're afraid of the exposure and the resulting criticism.

The media often gets facts wrong. It may not give equal time to all sides in an issue. And we hate to see ourselves misquoted in print. But these are all problems which other organizations and citizens must deal with in our society, and corrections cannot be immune in this respect.

The media can be an enormous asset to corrections and it often has been. It is for the most part committed to correctional improvement, and it has been most vocal in this respect during the past year. Reporters should be invited to look over our programs, our activities and our facilities. They ought to be able to talk to any of our clients. Sometimes they won't be told the truth. Sometimes they will be misled. But in time, as they gain understanding, they will be able to do a better job of separating fact from fiction.

One thing is certain, the more we try to keep them away from our clients, the more we try to keep them out of our institutions and away from our programs, the more intense will be their desire to gain access. Also, it would be only natural for them to react with criticism, often not supported by fact, the very result we were trying to avoid.

We do not have to be afraid of criticism. No one else in our society is immune from it. If we really believe in what we are doing, and if we are doing the very best we can, we should be able to stand up to criticism. To be a correctional administrator to-

day takes real guts, and criticism is one of the least of his problems.

Fourth, we must take a different attitude toward the public. You've heard that said before. For too long we have kept our facilities and our programs screened off from public view. The same walls and fences that have been used to keep our charges in secure custody have been used effectively to keep the public out and, by and large, ignorant.

We have been forced to pay the price. The public has not accepted its responsibility in the correction of criminals. Since we have declined to share responsibility for our clients with other elements of society, we have had to accept sole blame when they have not been rehabilitated—which of course is frequently the case.

Rehabilitation should not be our sole responsibility. If I have learned anything in the past thirty years in corrections, it is that we cannot do the job alone. It is in the community that crime is generated and flourishes, and it is in the community and by citizens that efforts must be made to reduce crime and reform criminals.

After the events of the past year—when so much public criticism has been directed our way—I think it is appropriate for us today to take the opportunity to invite the public into partnership with corrections. We must tell the public that rehabilitation is not our problem alone—it is their responsibility too and we welcome their help.

In a recent paper entitled *Illinois Jails*, Hans Mattick described the disgraceful conditions that are typical of our American jails. He concluded his analysis with the observation that they are this way because "nobody gives a damn!" He is right. This has been the psychology of too many of our citizens as far as corrections is concerned. And in resignation, it has become the psychology of too many persons in corrections.

We must take the leadership in changing this situation. We can do it by involving the public as fully as possible in our work—as visitors, as volunteers, as advisers—as participants in a variety of roles in policy development and program operation.

A good example involving the public and industrial community is the joint project with the U. S. Chamber of Commerce. It published a pamphlet entitled *Marshaling Citizen Power to Modernize Corrections* and LEAA funds were granted to print a million copies. In the first six weeks after printing over a half million copies were distributed to individuals, business trade, civic and

religious groups. Requests for the pamphlet have been received so far from over 150 radio and television stations throughout the country. This joint venture provides a tool for corrections to inform citizens of new developments and how they can help modernize correctional services.

Fifth, we must take a different attitude toward our own field. It is not our private preserve. It is a public undertaking. We must admit publicly what we privately admit to ourselves: that it can stand a lot of improvement. In this respect, I do not intend to single out the prisons and jails. More recently, I have been associated with probation and parole, and I have learned that they have their shortcomings also. Too many probation and parole officers work on the nine to five principle and close down completely on weekends and holidays. But the lives and problems of their clients do not conform to this schedule. There is also a lack of coordination with the rest of the corrections system. There is a suspicion of volunteers and of new ways of bringing services to clients. The right to a hearing in probation and parole revocations, a fundamental issue in due process that was ignored by the field for years, finally had to be imposed by the courts.

One reason why it has been very difficult to bring about correctional improvement is that the field has not yet achieved professional status. It is not a science or even an art. There are no commonly accepted standards in the field, no commonly accepted goals, no commonly accepted criteria for measuring the effectiveness of what we do.

Most of us are in corrections by accident or force of circumstance, as I am. We learned our trade and arrived at our individual opinions and judgments largely on the basis of the training we got or did not get, and our experiences, fortunate or unfortunate. The natural result is that none of us agree on every issue in corrections. We very seldom can achieve a substantial consensus on a single issue.

This Association's Manual of Correctional Standards was an attempt to make a start at professionalization. It was a good start. Whatever defects the Manual has were the result of attempting to achieve a consensus on correctional issues. Too often a consensus of this kind must represent a compromise on the level of the lowest common denominator. A different kind of approach is needed, one that will set standards at the highest level that is realistically possible even though we as practitioners may not agree totally on the level that ought to be set.

Where possible a price tag should be placed on the cost of

achieving the new standards so that the media and public will be informed of the cost and the importance of their support.

In February 1973, the National Advisory Commission on Criminal Justice Standards and Goals will issue its standards in the fields of community crime prevention, courts, police and corrections. The Commission has had four operational task forces working on these standards for the past year, with the assistance of eight advisory task forces.

Not all of us will agree with everything in the report of the Corrections Task Force. I don't agree with some of the conclusions myself. But with the crisis in public confidence facing corrections today, I do not believe we can do other than take the report very seriously. I therefore am hopeful that the field of corrections will try to achieve the broad standards set forth in the report. If we are ever to reach the professionalization we have been searching for, we must make a sincere and active effort—and make it now!

Obviously, the Corrections Task Force Report is not intended to be the last word. It will provide the contour of standards. The American Correctional Association has the experience and the members have the ability to provide the contents. But standards appearing on paper have little value if they are not followed in practice. I agree with many of you, therefore, that we ought to have a system of accreditation and it ought to be based on the standards. A method of self-policing is essential to the professionalization of any field. While I have not yet been able to secure funding for an accreditation program, I am hopeful that it will yet be forthcoming.

The Task Force on Corrections was composed of a number of correctional practitioners, and the evaluation and revision effort will continue to involve practitioners. The American Correctional Association has participated in the production of the initial standards, and I have participated in some of the meetings myself. Much hard work, discussion and soul-searching has gone into this project.

My recommendation to you is: Let's take the Task Force Report as a working document and test the recommendations. If the standards are too low, we can elevate them. If the standards are too high—and it should be difficult for us to admit that standards for corrections can be too high—we can help to bring them down to earth, or at least to a point where we can reach them.

A final word, let's take a different attitude toward our own organization, the American Correctional Association. Let's admit

that from time to time each of us have expressed some dissatisfaction with it. Some say it has been hidebound. Some say it has been controlled by prison administrators. Others say it has been run by the old-timers, the mossbacks. Others say it has not been representative of the entire corrections field. And few of us ever have been entirely satisfied with the annual program, for one reason or another. No national organization can ever hope to be letter perfect.

At this point, we need not go into the merits of any of these complaints. We have at this meeting presented a plan for the ACA's reorganization that would eliminate much of the ground for these complaints. The committee on reorganization has worked diligently for 18 months in preparing the suggested new constitutions and by-laws. They have contacted hundreds of members, all affiliates and many state and regional associations. The new constitution provides a blueprint for retooling the ACA to meet the needs and challenges of the 1970's. It is up to all of us from this point on to make the American Correctional Association the powerful force in correctional improvement that it can and should be.

I am confident that with my successor, Martha Wheeler, and through your support, the American Correctional Association can bring about correctional change. I see great prospects for a new partnership. The ACA in conjunction with the courts, the bar, the media and the public can make corrections the effective public service that it should be. In so doing, this partnership will also make corrections a profession of high status that will have the respect of the American community.

I most earnestly ask your support and cooperation.

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