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SOME PRINCIPLES OF CORRECTIONAL TREATMENT

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It is not the purpose of this paper to deal with all aspects of crime nor all aspects of preparing prisoners for parole. I wish only to emphasize some of the principles and some of the details regarding offenders under imprisonment, that is, convicted criminals serving sentences who expect some day to be released. To do this a review of some of the first principles of penology will be helpful, for in either the scientific or the common sense attempt to restore prisoners to society it is easy to lose one's perspective by too minutely focusing on details.

THE PURPOSES OF IMPRISONMENT

The ultimate purpose of imprisonment is to protect society and the lives and property of its members. For a long time people have thought that this purpose is most successfully achieved by administering imprisonment as a form of punishment. Speaking generally, this punitive intent of imprisonment serves to satisfy the primitive demand for just retribution and is visited upon the offender in the vindictive spirit of revenge. The public's desire to "get even" is the mass expression of our individual desires of the same sort, based no doubt on the sub-conscious fear that we may ourselves sometime be the victim of some crime. This instinctive tendency toward revenge is an unrationalized attempt at social self-protection and still holds an important place today as a means of crime prevention. Imprisonment is punishment and undoubtedly sometimes should be administered for that purpose alone. It is so to the individual and so to the public. Let us not overlook its value as a means of reducing crime and of dealing with criminals.

But this punitive intent of imprisonment is generally accomplished by the sentence of the court alone through the consequent deprivation of freedom and does not warrant the physical or mental abuse of prisoners in jail or penitentiaries; nor does it absolve the prison administrator of some positive responsibility for the mental and physical welfare of prisoners on their return to society.

Imprisonment as a form of punishment not only satisfies our primitive social instincts, but also acts as a deterrent to further crime

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for those persons who except for fear of imprisonment might become criminal offenders. Imprisonment therefore does more than satisfy the demand for retributive justice, and becomes a definite means of crime prevention, operating still through the channels of public opinion to satisfy a vague popular feeling. This notion also has not outlived its usefulness. Although the evidence that imprisonment of offenders does materially deter other persons from committing crime is still too scant to meet the criteria of scientific proof, most authorities and most laymen are firmly convinced of its reality. Whether the *severity* of punishment (as expressed in length of sentence) or whether the *certainty* of punishment (as expressed in speed of apprehension, conviction and sentence) has the greater deterrent effect is still a debatable issue with the odds in favor of the latter premise. Scientifically valid proof of either is imperatively needed, but woefully lacking.

A third notion of imprisonment, namely, imprisonment for the purpose of restraint, is still another common sense method of dealing with offenders. The restraining influence of imprisonment is perfectly obvious. Society is effectually protected, however briefly, by the physical removal of the offender from its midst. But when will we carry this idea to its logical conclusion and permanently confine the *habitual* offender because of his likelihood to commit further depredations, thereby certainly curbing his further criminal activities?

These three common sense methods of dealing with crime and criminals while logically successive are not historically successive. They have been more or less coincident for centuries. Their relative emphasis shifts with the time and place and with the vagaries of public opinion. Each has had and still holds an important place in the combination of repressive measures which should be employed in the intelligent control of crime.

These three purposes of imprisonment (punishment, deterrence and restraint) are, we have said, principally accomplished by the court in passing sentence. What part has the prison administrator to play? How shall he avoid adding to the sentence of the court such unfortunate consequences of imprisonment as ill health, antagonistic social attitude and broken spirit? Is there some constructive function that he has to perform in addition to the necessary safe-keeping of the prisoner? Common sense is a little doubtful whether the penal treatment of the prisoner should be rigorous or sympathetic, for however righteous is our indignation in objecting to the coddling of prisoners, we cannot fail to recognize the many unfortunate con-

sequences of brutality. The "hard-boiled" man-handling of men in subjugation has always proved both futile and short-sighted.

The penal institution has as its first job the safe-keeping of its prisoners. But this function should be performed with due regard to the fact that most prisoners must sooner or later be released. To this end constant effort must be made to see that at the time of his return to society he is at least no worse off in body, mind and spirit, than when committed. If his imprisonment makes him even more of a social liability than before, we have injured society as well as the criminal. Our vindictiveness must not be permitted to bear such evil consequences. Considerations of prudence suggest that while the man is serving his time some effort be spent toward overcoming those influences which were instrumental in precipitating his misconduct. Therefore, we find in the modern treatment of the criminal an historically new thought, namely, that of reform.

These then are the three R's of penology, retribution, restraint, and reform, *all* of which rather than anyone alone are vital factors in a completely sensible attack on the problem. Let us hope that we shall some day add a fourth, restitution, on the theory that the criminal shall in some measure "make good" the losses that his folly has entailed.

Most men under imprisonment then, must be restored sooner or later to society as hopeful citizens, social assets instead of social liabilities in health, in attitude, and in economic or industrial efficiency, presumably able to manage themselves and their affairs prudently and independently of supervision. Within the limits of their natural endowments we should, therefore, strive not only to maintain but to improve the prisoner's health and physical condition; not only to conserve but to restore in him a favorable social attitude; not only to retain but to increase his industrial or occupational skill.

But how can we do this? At first we thought it could be accomplished through some indefinite sort of moral or spiritual reform. No one will dare deny the powerful influence of an inspired appeal to the prisoner's better nature. No one will wish to minimize the positive importance of religious and moral training. But the results of such efforts hardly justify our placing complete confidence in only this method of approach for any very large number of criminals.

At this point in the evolution of criminal treatment comes the idea of scientific study of crime and of criminals. In despair over the unsatisfactory results of rule-of-thumb methods, painfully learned through slow experience, we discover that the most intelligent ap-

proach to the control of crime and the reformation of the criminal is to be found in a systematic study of the causes of crime and the characteristics of criminals.

Science approaches the criminal problem from two angles, first, the analysis of the opportunity for crime, or the physical and social conditions under which crime increases or diminishes, and second, the personal traits and social background of the offender. Too often today the scientific study of crime is thought of only as the systematic study of criminals, so that contributions in the broad field of principles of penal philosophy are generally lost sight of. Both fields are fruitful for investigation.² This presentation, however, is confined to a discussion of convicted criminals under confinement and the considerations involved in preparing them for successful release.

CORRECTIONAL TYPES

It has been said that each man under imprisonment is a reformatory problem. This applies particularly to the repeater. To avoid confusion with the principles of moral reform, and to follow the logic of scientific analysis, we might better say that he is a correctional problem. He is not only a man of warped, perverted or confused moral attitudes, but also a man with more or less definite mental and physical abnormalities. These abnormalities yield more readily and more permanently to correctional treatment and training than to persuasion and exhortation. We modify our statement with the reservation of more or less, for some prisoners are so extremely abnormal as to be constitutionally pathological, while others are so faintly abnormal as to represent only mild aggravations of traits which in non-criminal individuals we more generously term foibles or idiosyncrasies.

The scientific study of the individual offender shows that he must be studied with reference to at least the following items: crime, sentence, previous record, age, nationality, literacy, social status, social attitude, intelligence, personality, skill, physical condition, and psychiatric condition. The proper treatment of every prisoner must be based upon the particular combination of these characteristics appearing in him as an individual. These combinations will reveal at least four distinct groups on the basis of mentality, physical condition and social attitudes as follows:

1. The better class of prisoners, including those who are not

²Cf. the Modern Criminal Science Series, nine volumes, published by Little, Brown & Company under the auspices of the American Institute of Criminal Law and Criminology.

anti-social and who are relatively intelligent, of good personality, stable behavior, amenable to discipline, willing and industrious.

2. An anti-social group, including those who are not good social risks or who are relatively not amenable to reform because of such factors as chronically unfavorable attitude, long criminal record, bad associates, vicious habits, industrial laziness, drug addiction, and chronic alcoholism..

3. A psychopathic or defective delinquent group, including various forms of mental abnormality, such as defective personality, constitutional defect, epilepsy, psycho-neurosis, constitutional psychopathic condition, and extreme insanity.

4. A subnormal group, including especially the simple feeble-minded, and those of borderline intelligence whose offenses are more the result of their low intelligence and suggestibility than of actively unfavorable social attitude, and who are relatively incapable of social rehabilitation because of low mentality.

In each of the above groups, individuals will vary according to health, skill, education, amenability to reform and other personal traits.

The above classification must be considered as based on the individual's major characteristics from the standpoint of correctional treatment and training. It may be advisable to make sub-divisions in these major classes for purposes of prison administration. Or it may be possible ultimately to further elaborate this system of classification to better take account of individual variations in abilities.

Many local scientific studies have been made for the purpose of discovering the proportions of these major types of offenders. Unfortunately most of these studies do not directly furnish a basis for estimating the proportions of these groups in penal institutions for the country at large. This is because the character of the criminal population varies from state to state, and because the scientific standard varies within certain limits from one authority to another. But we are able to estimate the size of each group, basing our judgment on personal experience supplemented by a review of published reports and scientific studies, and especially on the results of investigations in the correctional institutions of New Jersey. These estimates indicate in a general and fairly reliable way the most probable proportions of the different groups as defined above in the adult male penal and reformatory institutions of the country at large.

These estimates are as follows: better class about 20%; anti-social class about 40%; psychopathic class about 30%; sub-normal about

10%. These proportions are only approximations. As has been stated, they will vary according to local conditions, according to variation in definitions or standards, and especially according to the emphasis on the major defect which is apparent when a man might be classified in one or more of the several groups.

PREPARATION FOR PAROLE

All too frequently little or no thought is given to a prisoner's parole until he has "served his time," or what is deemed a sufficient amount of time for the purpose of punishment or of reform. But we have said that each man under imprisonment is a *correctional* problem, more or less, to be treated and trained during his imprisonment in expectation of his ultimate release. This correctional treatment may require medical or surgical care, scholastic, vocational and industrial training, mental readjustments, or moral reformation, all designed to assure the fullest social rehabilitation of the individual. Any or all of those methods may be required in a single case. And we must not ignore the punitive effect with its own reformative consequences, the deterrent effect on others, and the restraining effect until such time as the man gives reasonable promise of social success on release. Especially must we analyze the causes of a man's crime as revealed in his personal traits, abilities and disabilities in the light of the social and economic background which are involved. His personal traits and constitutional make-up may be thought of as the predisposing factors and the social situation as the precipitating factors. Both require attention, for the criminal must be thought of in relation to his environment. Crime is possible only when the potentially criminal person reacts unsocially in or to a potentially criminal situation. We are provincial in point of view when we neglect the one by emphasizing the other.

If we are to consider imprisonment as a period of correction and reform as well as a period of punishment and restraint, we must study the prisoner and his antecedents as soon as he is admitted to prison. This can best be accomplished by studying, analyzing and classifying each man on admission, by discovering the causes of his crime, and by determining his mental, physical, moral and social traits and capabilities. But we must also pay due regard to the past social influences which have modified these traits and the future environment to which the man will probably return on his release. Scientific method makes possible such a classification study with a surprising degree of accuracy and economy, but makes no claims to infallibility.

This classification study should not be permitted to stop at the point of analyzing the man and the causes of his criminality. It should endeavor to evaluate the relative importance of punishment, restraint and reform as factors conditioning his treatment. Such a study may reveal that the individual is mentally irresponsible and should receive permanent custodial care as a mental patient. It may show that his physical condition is the prime defect to be remedied; or that his record and attitude suggest the advisability of a long period of restraint; or that his educational or occupational limitations are a handicap to success; or even that he is substantially normal, a chance offender, more or less "out of luck" who needs to be protected from the demoralizing consequences of prison life during confinement.

Whatever the outcome of the classification study it is evident that no intelligent care of the prisoner can be administered in its absence. To be sure, such a study may be conducted by rule-of-thumb methods learned from long experience, but the scientific method is more rapid, more certain and in the long run more economical. This study can also be made to indicate in fairly accurate and definite detail the conditions which should be corrected, or the minimum requirements which should be met, before the man may be expected to have a reasonable chance of success on release. Knowing the equipment of the man and his background, and having established the provisional conditions of release, the details of his treatment and training are then comparatively obvious and can be set up with but little difficulty.

PROVISION FOR CORRECTIONAL TYPES

We have suggested that an intelligent program of correctional treatment and training should be based on a classification of prisoners into four groups; normal, anti-social, psychopathic, and subnormal. And we have indicated that within these groups there are considerations of medical, educational, vocational, and spiritual treatment and training. This of course suggests the advisability of caring for prisoners in separate prisons adapted to the several types. The type of institution, the methods of discipline and the correctional facilities of such classified institutions should be decided by the diverse needs of the separate classes of prisoners somewhat as follows:

(a) The better class of prisoners should be housed in relatively open institutions of the honor or semi-honor type, perhaps with dormitory system and with comparative freedom from petty regulations and restraints. These institutions should aim to provide for the

health and the industrial needs of their inmates with the prospect of release as early as is consistent with the demands of public justice and the considerations of probable success on parole. The industrial opportunities might be of two principal types, namely, productive farming and productive manufacture, preferably rural industries with incidental emphasis on vocational training and, of course, with due regard for health and recreation.

(b) The anti-social class of prisoners should be housed in the custodial type of penal institution under a firm system of discipline with ample opportunity for vigorous industrial work, preferably of the factory or shop type, but not contract labor. The majority of these men may be assumed to be relatively unreformable and therefore should be expected to remain for relatively long periods of time. The vocational training value of the industries is therefore more feasible than in the industrial institution for the better class of prisoners with its comparatively short confinement.

(c) Institutions for the psychopathic type of prisoners should be of the custodial type, but the discipline should be adapted to the mental peculiarities of the inmates. This type of institution should have all modern facilities for the adequate medical treatment of the psychopathic prisoners. The industries of this type of institution should be of the occupational therapy and shop type especially designed to meet the mental limitations and correctional needs of the inmates. The administration of such an institution should be exceptionally capable, since this is perhaps the most difficult class of prisoners with which to deal, and unless sympathetically managed their correctional treatment is nearly hopeless. Under successful treatment this class of prisoners presumably could be transferred ultimately to institutions for the better class of prisoners before final release.

(d) The subnormal type of prisoner should be housed in farm colonies for the feeble-minded. Care should be taken to eliminate the psychopathic feeble-minded and the anti-social feeble-minded from this group. This should be an open type of institution with a system of discipline comparable to that followed in other institutions for the feeble-minded, and with industries and activities adapted to the mental limitations of the inmates. The majority of this class are not parolable, but some of them could ultimately be paroled directly from this institution after reaching a certain age or a certain degree of social stability, or a certain degree of industrial competence.

FURTHER CONSIDERATIONS

The classification study on admission must not be thought of as final, or the classification groups as permanent locations for each offender, or the parole prerequisites as inflexible. Quite the contrary. Re-classification is both necessary and advisable. There must be some check-up on the success with which the treatment-training program prescribed is being carried out. It is to be expected that a prisoner might progress from one class to another or be transferred back and forth as experience modifies the scientific diagnosis or prediction. There should certainly be a final classification before release as a check-up on the entire institutional progress record of the prisoner and as a final guarantee of the prisoner's suitability for release.

This correctional training program and the prisoner's ultimate success on parole will be greatly facilitated by increasing to the fullest extent the conditions of employment, training and living on a par with conditions in the outside world. Already our more progressive correctional institutions have done much in this direction by providing recreation, physical training, medical and surgical care and even degrees of self-government designed to overcome the artificial differences between the conditions of prison life and the conditions of society at large. In our industrial programs, however, we have signally failed to reproduce outside conditions. In some prisons we still face contract labor, or prison-controlled monopolies, or restricted state use industries, or, worst of all, idleness. We have not found a satisfactory compromise between the slavery of the contract on the one hand and the vicious effects of unemployment on the other except perhaps in the vocationalized state use industries which combine definite instruction with equally definite manufacture, a happy adjustment of part training and part work that reduces the problem of idleness to a minimum and raises industrial efficiency to a maximum.

To make industrial conditions in prison approximate those outside we need to meet a number of conditions, some of which may be stated as follows:

1. There should be enough jobs or just more than enough jobs to go around.
2. The man who refuses to work should not receive time credited against his sentence while in idleness.
3. In order to get one of the jobs and so avoid the consequences of idleness the prisoner should merit employment on the basis of skill, industry and conduct.

4. In order to hold a job his effort, conduct, and work-product should meet the requirements of outside employment.

5. There should be enough work in each job to encourage an honest day's work.

6. The prisoner should be paid in money for his work on the basis of quality and quantity.

7. Beyond a certain point such payments of money might be exchanged for legitimate privileges, or for extra good time to be counted against his sentence.

8. He should be expected to improve in his work as is expected of a good workman outside.

Under these conditions a man would leave prison industrially healthy and strong instead of industrially feeble or convalescent, with a fair prospect of earning his livelihood under reasonably promising conditions.

SUMMARY

1. Imprisonment serves several different purposes, retribution, restraint and reform.

2. These purposes are most effectually accomplished by the classification of prisoners under scientific methods in separate groups with separate housing and differentiated treatment.

3. Conditions within prison should within certain limits approximate conditions in the outside world. This is specially important with regard to industrial conditions.

4. Re-classification corrects the possible mistakes of initial classification and operates as a check-up on the prisoner's correctional progress.

5. Correctional treatment must anticipate release sufficiently early and with sufficient intelligence to increase the likelihood of social readjustment.

6. Finally, by a system of promotions, transfers and pre-parole assignments we can reduce parole from a social gamble to a social investment.