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## PRINCIPLES AND METHODS OF INDIVIDUALIZED PENAL TREATMENT<sup>1</sup>

EDGAR A. DOLL<sup>2</sup>

Penal administration has long been one of the least progressive fields of government. It is a well-known principle of human behavior that conduct based on fear or hate is usually irrational and contrary to intelligently established principles of social action. And has not our treatment of prisoners usually been determined by fear or hate rather than by mere indifference? Today the individualized and correctional treatment of prisoners is gradually supplanting the rigorous measures previously dictated by the principle of social ostracism.

It is unnecessary here to review the history of penal treatment. It is sufficient to note that from the earliest times and in all places no single class of human beings has been so badly used as those under penal sentence. Apparently society has been willing to assume that in committing a crime the offender socially excommunicates himself and thereby loses all claim to further humane consideration. Today we understand that the commitment of crime is often fortuitous, that criminal convictions not infrequently are based on social injustice, that the offender may be socially handicapped rather than anti-social, and that convicts may not always be so personally responsible for their acts as has been supposed under the doctrine of free will.

Modern scientific study of the offender frequently reveals a lack of moral and social responsibility on his part and tends to consider him an unfortunate rather than an outcast. With this new point of view the rational administration of prisons and reformatories becomes not only humanely desirable but socially necessary. We are beginning to recognize the stupidity, if not the actual folly, of so treating prisoners that many of them are permanently committed to lives of crime. The modern idea of reform marks a new era in penal administration and indicates the need for more rational attitudes and methods than have generally been employed in the past.

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<sup>1</sup>Prepared for the Eleventh International Penal and Penitentiary Congress held at Berlin, 1935, in consideration of Section 2, Question 1: "Are the methods applied in the execution of penalties with a view to educating and reforming criminals (intensive humanization, favors granted, considerable relaxation of coercion in the execution of penalties by degrees) calculated to bring about the effects aimed at and are these tendencies generally advisable?"

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The modern study of the criminal is divided rather naturally into two major schools, the one anthropological in its interests and emphasis, and the other sociological. The distinction is well stated by Ferri, who says: "Crime is the result of manifold causes, which, although found always linked into an intricate network, can be detected, however, by means of careful study. The factors of crime can be divided into individual or anthropological, physical or natural, and social. The anthropological factors comprise age, sex, civil status, profession, domicile, social rank, instruction, education, and the organic and psychic constitution. The physical factors are race, climate, the fertility and disposition of the soil, the relative length of day and night, the seasons, meteoric conditions, temperature. The social factors comprise the density of population, emigration, public opinion, customs and religion, public order, economic and industrial conditions, agriculture and industrial production, public administration of public safety, public instruction and education, public beneficence, and, in general, civil and penal legislation."

This theory of Ferri might be paraphrased somewhat as follows: The criminal shows more or less imperfect physical or anatomical constitution and more or less defective mental makeup. Economic or environmental circumstances bring this man into a situation toward which he is unable to react adequately. He responds with his most natural reaction, which may or may not be consciously anti-social. Such an individual reacts inadequately to very many situations throughout his lifetime, but it is only when this reaction is of such a nature that it brings him into conflict with the law that he becomes a criminal. The treatment, therefore, calls for the combined efforts of physician, psychologist and teacher. This man must be made physically well. His mental complexes and defects of character must be straightened out and he must be given the practical tools and spiritual attitudes necessary for successful economic adaptation.

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 subconscious 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 the 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 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 meager 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 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 obvious. Society is effectually protected, however briefly, by the physical removal of the offender from its midst. But when shall we carry this idea of its logical conclusion and *permanently* confine the *unregenerate* 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 sequential are not historically successive. They have been more or less coincident for centuries. Their relative emphasis shifts with time and place and with the vagaries of public opinion. Each has had and still holds an important place in the combination of measures which should be used 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 safekeeping 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 consequences of brutality. The "hard-boiled" man-handling of men in subjugation has always proved both futile and shortsighted.

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 the sentenced offender is at least no worse off in body, mind, and spirit, than when committed. If his imprisonment makes him more of a social liability than he was before sentence, we have injured society as well as the criminal. Our vindictiveness must not be permitted to bear such baneful 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.

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.

The most recent and the most promising method of dealing with prisoners both from the point of view of successful prison management and of social rehabilitation of the offender is that of individual classification and treatment. During the past fifteen years this method has had an important development in many state penal and reformatory institutions in the United States, notably in New Jersey, New York, and Massachusetts. The U. S. Federal penal institutions also have developed successful systems of classification. No prison administrator who has employed this system with even slight success would consider returning to former methods of arbitrary prison management. The system employed in the state of New Jersey has had a consistent development for the past fifteen years and has been closely identified with the administrative needs and practices of the state's correctional institutions. Similar systems have been successfully employed in other states.

Under this plan the chief administrative officer of the penal or reformatory (correctional) institution is the administrative head of the classification or casework program. The classification personnel consists of the chief departmental officers of the prison or reformatory, such as the prison physician, the head teacher, the chaplain, the industrial director, the disciplinarian, the psychiatrist, and the psychologist. In other words, a casework staff is organized consisting of the chief subordinate officers of the institution. These several professional workers or officers consider each new prisoner individually, applying to him such methods of interview and examination as their several professions have developed for this purpose. The results of these individual examinations are submitted in written reports, with specific recommendations for disposition and treatment. These officers then constitute a classification committee under the leadership of the chief executive officer. The individual reports are combined in abstract form to provide a comprehensive and integrated consideration of each prisoner for purposes of disposition and treatment. A definite program of custody, housing, treatment and training is outlined on the basis of the social antecedents of the offender, his physical condition, his personal aptitudes and disabilities, his social attitudes, and his civil prospects on release. In the case of a man serving indeterminate sentence, the length of time to be served is also determined in this way, with due regard for the nature of the crime and the interests of society.

While this consideration of the prisoner is always individualized, it is obvious that the *treatment* of most prisoners must take place in groups. Consequently, the classification study leads naturally to an

administrative classification for purposes of general disposition and a specialized classification according to individual needs. These group classifications are as follows:

*Class A.* This includes the better class of prisoners, who are more or less accidental or occasional offenders due to situational difficulties, domestic, occupational, economic and personal, where the offense is not so much the result of anti-social attitude as of unfortunate circumstances. While some of the offenses represented in this group may be grave, and may therefore involve long sentence at maximum security to satisfy public opinion, these offenders as a group represent for the most part first offenders, of good mental, physical and social characteristics associated with favorable attitude. These are the most favorable parole prospects.

*Class B.* These are the recidivists, such as fall outside the other classes and who are more or less confirmed offenders of anti-social tendencies or at least who lack those social attitudes which make for good citizenship. Many of these offenders are the by-products of unfortunate environment and experience or of unfortunate social training and attitude. They are poor prospects for parole.

*Class C.* This group embraces the mentally abnormal of marked degree, including the more severe cases of psychotic, psychopathic, feeble-minded, epileptic and defective delinquent groups where nervous and mental diseases or disorders suggest the need for custodial or hospital care, treatment or training. While the offenses in some of these cases may be more or less adventitious, these offenders are poor social risks.

*Class D.* In this class are grouped the mentally and physically incompetent, whose mental, physical and social assets are at low levels. These are the infirm and mentally subnormal not included in Class C, whose social outlook is limited and who, aside from their offenses, are socially dependent because of mental or physical condition.

It will be clear that such a classification encounters many difficulties due to the overlapping and combination of the numerous factors involved. The classification will depend on the relative importance of the detailed factors, and a broad basis for classification is required to meet the needs arising from the particular combination present in each case, and according to their relative importance for purposes of disposition and treatment. Thus, many single characteristics are common to all groups, but the pattern of characteristics in a given case will usually lead to fairly obvious placement in one of the groups rather than another. It is of course possible for the classification to change from one group to another as the offender progresses through the correctional program.

It is particularly important that the conclusions and recommendations involved in these classifications should focus on the ultimate release of the offender, and that final re-examinations and recom-

mentations be made immediately prior to such release. These final examinations may be expected to yield recommendations bearing on the disposition of the offender for the discharge or parole and his placement and adjustment in the environment to which he is returned.

It is obvious that the whole scheme of casework should be administratively capitalized and should not become merely a matter of academic or scientific interest. The whole philosophy of casework involves a very serious consideration of the characteristics of the offender in relation to the program of the institution and the requirements of social welfare. It is obvious that the program of the institution and the conditions of social adjustment to which the offender is later returned may be modified within certain limits by the results of such studies, and even that the disposition of the offender in one type of institution or another, or on probation, or before sentence should be related thereto.

More specifically, the results of casework methods may be expected to lead to the development and use of the following program:

1. *Housing.* Each offender should be placed in a definite housing group or classification grade within the institution. This classification may be progressive and the time schedule of such progress may be forecast in some measure. In the case of institutions providing indefinite commitments, the determination of length of residence in the institution may be one of the most important consequences of casework. If the institution provides differential housing, this can perhaps be utilized to the advantage of the offender as well as of the institution, and the progress of the individual through these groups may be taken as one measure of his success in the program of the institution.

2. *Discipline.* It may be expected that the data from casework will have a definite influence on discipline, either as this is related to housing and assignments, or as it may relate to unexpected infractions of discipline. It is also likely that in the case of disciplinary adjustment the disposition of the infraction may well be made after referring to the classification study, or after making a special study of the case in the light of unexpected in discipline.

3. *Medical Treatment.* It is assumed that the result of casework study will have a definite effect on the disposition of the offender with respect to quarantine, diet, medication, surgery, dental treatment, physical training, special therapy, assignment to limited work, and so on. While the immediate health of the offender is a responsibility of the medical department rather than the casework staff as a whole, it is assumed that there may be some relationships of special value.

4. *Psychiatric Disposition.* The results of the casework study, and particularly of the psychiatric examination, will naturally lead to a special classification of offenders with mental abnormality or with psychiatric condition in special groups within the institution or for transfer to special-

ized institutions that may be available. This classification may lead also to the use of individual psychotherapeutic treatment, including certain forms of re-education. Most important in this group is the determination of the mental responsibility of the offender in relation to discipline, work, and response to training.

5. *Assignment.* The assignment of the offender to school, maintenance duties, industrial work, vocational training, clerical activities, and the like, will be one of the most important consequences of the casework study and this involves a group consideration of all aspects of the offender in terms of his antecedents, his present capabilities, and his future outlook. The psychological classification in terms of level of intelligence, personality, and special abilities and disabilities will be particularly important in this regard.

6. *Recreation.* The classification study of the offender should yield material of special significance with reference to the recreational program of the institution as indicating the extent and variety of recreational facilities available. Thus, the size and nature of the institution library, the program of physical exercise, games and sports, the programs of entertainment, music, dramatics, the development of clubs, and intramural organizations, the fostering of hobbies—all these constitute one of the most constructive consequences of casework based on systematic recognition of individual differences.

7. *Parole.* Finally, the culmination of the casework program is found in the readjustment of the offender to society at release. It is to this end that the whole program of individual study, classification, treatment, and training is directed, and except for the simplification of institutional administration the result of success of the program is to be found in the success which offenders display on release. The final outcome of the casework program is therefore in the direction of industrial placement, parole supervision, community affiliation, home adjustment and such general assistance as may be needed by the individual offender on his return to society.

In terms of such a rational program of penal and reformatory management we are clearly in a position to assert that the answer to our question "Are the methods applied in the execution of penalties . . . calculated to bring about the effects aimed at, and are these tendencies generally advisable?" is decidedly in the affirmative. We can also say with assurance that in the opinion of those prison officers who have employed such a system of administration the results are far more satisfactory than those obtained by traditional methods. Such a system of rational penal administration not only increases the success of prison management, but relieves the prison administrative officers of the charge of arbitrary or stupid control. We are not yet able to offer scientific proof that the outcome for the prison, the prisoner, and society is always better than under traditional methods. But the opinion of those who should know is practically unanimous that such is the case.