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Notes and Announcements

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during, the examination. In an extraordinarily sweeping, novel, and able opinion by Mr. Justice Francis, the court spelled out the following steps (held to be within the power of the trial court without regard to statutes or rules) that were to be taken in future cases in which the defense sought to raise the issue of insanity:

(1) At arraignment, or at some later time, but sufficiently in advance of the trial to allow the state to adequately prepare its case, the defendant must give notice to the state of his intention to raise, at the trial, the defense of insanity.

(2) The state has the right to have its doctors examine the defendant. If they may reach a valid conclusion simply by observation and physical examination, then the examination is so limited. If an interview with the defendant is necessary then he may be interviewed, but without reference to the circumstances of the crime unless, in the opinion of the doctors, answers to questions concerning the commission of the offense are necessary for them to reach a valid opinion.

(3) If the state psychiatrists seek answers to questions concerning the commission of the offense, defendant must answer (unless he lacks the mental capacity to do so), but incriminating statements so obtained may be testified to at the trial only in support of the psychiatrists' opinion as to mental condition and not to prove the truth of the matters contained therein. The jury shall be so instructed

"immediately, explicitly and unqualifiedly" during the testimony of the psychiatrists, and again in the final charge to the jury.

(4) If the defendant refuses to cooperate with the state psychiatrists to the extent of refusing to undergo examination or refusing to answer questions concerning the commission of the offense, the trial court has the power to commit the defendant, temporarily, to a state hospital for observation and examination. The defendant has the right to have his own psychiatrist examine him at the hospital during this period and to have his doctor inform himself about the study being conducted by the state psychiatrists.

(5) If the trial court declines to order the defendant committed for temporary observation and study—following a refusal to cooperate with the state psychiatrists—and defense counsel concedes that defendant has theretofore cooperated fully with his own psychiatrists, the court may refuse to permit the defense psychiatrists to testify to any statements made by defendant concerning the offense or any history given by him which underlies their opinion of defendant's mental condition.

(6) The defendant may informally exchange psychiatric reports with the prosecution or may seek a court order discovering the report furnished to the state by its psychiatrists, but the trial court may condition discovery by the defendant upon the discovery of defense psychiatric reports by the state.

NOTES AND ANNOUNCEMENTS

Sociologist, Therapist, or Manager?—A Reply to Professor Esselstyn's Comments

[In the September issue of this *Journal* we published a critical comment by Professor T. C. Esselstyn of an article in an earlier issue authored by Professor Julian B. Roebuck and Mr. Paul Zelhart entitled *The Problem of Educating the Correctional Practitioner*. Professor Roebuck now replies to Professor Esselstyn's comment. Joining in the reply is Professor Roebuck's colleague Ralph Segalman.

Professor Roebuck is now Professor of Sociology at Texas Western College of the University of Texas. Ralph Segalman is Assistant Professor at the same institution. Editor.]

We are pleased that Professor Esselstyn is, in the main, in agreement with the overview of professional training approaches presented in the article *The Problem of Educating the Correctional Practitioner*. His objections, however limited they

might be, are difficult to understand. The article was not in any way meant to affront a particular program in any specific university. The key point nevertheless made in the article apparently needs further clarification for Professor Esselstyn.

It is obvious that in order to plan a training program for correctional workers, one needs to clarify (1) the goals or value system of the program, and (2) the means by which these goals are to be achieved.

If we are to prepare workers to maintain correctional institutions qua institutions, and are not concerned with their purpose, then a managerial training is indicated, perhaps in a business administration school. If we are to prepare workers to study, observe, build and test hypotheses about criminal and institutional behavior, then the training is best sought in a graduate sociology department, with proven sociologists, skilled in theory, research methods, and applications. If on the other hand, we are to prepare therapists,¹ who are to become "partners" with the inmate in a rehabilitation plan which the inmate has helped to develop, then we need to seek such people in a training atmosphere based on the rehabilitation processes; namely social work, clinical psychology, and psychiatry. It is possible that such people also need a "grounding" in the basic disciplines of sociology and psychology, (and perhaps, with a portion of their preparation orientated to the correctional field), but to limit their training to correction from a sociological point of view, in a climate of correctional preparation is to build into their professional persons an inherent conflict of roles.

In the disciplines of management and criminological research, little or no analysis is required of the professional's motivation. It is enough that he seeks to manage and thus is able to manage well, or it is enough that he seeks to investigate and study and thus is able to study without his motivations confusing his effectiveness. This is not the case, unfortunately, with the therapist. Before he can know others enough to be able to help them, he must learn to know himself. He must learn why

¹ The rubric "therapist" is used advisedly. It is true that practitioners in the correctional services (probation officers, parole officers, institutional counselors, and classification officers) do perform tasks aside from therapy, but each of them is employed primarily for the purpose of counseling toward the rehabilitation process. This process, whether carried out on a one to one relationship or on a group counseling basis involves case work service. This is clearly therapy.

he does what he does with the inmate: Is the proposed action a conscious effort to help the inmate in rehabilitation, or is the proposed action an effort to fulfill some of his own personal unconscious needs? Too often the so-called "helper" can hinder and destroy, close off communication with the inmate, or lose the few opportunities to rebuild.

It is obvious that each discipline has something to offer in the correctional field, but for one discipline to seek to subsume another discipline is to weaken the effectiveness of both.

Managers can train managers quite effectively, but should they seek to substitute managerial supervision, for example, for medical training, disaster would be a small description of the result. Sociologists can train sociologists, and perhaps can satisfactorily orient therapists to the sociological aspects of their setting and field, but without basic training and supervision in the therapeutic process, for a sociologist to provide basic training for the therapies at this time borders on "quackery." Such limited training may have been the rule a half century or so ago, when there were no other training resources available. To insist on the same limited training now is to move backward, not forward.

Our recidivism rates are hardly a basis for a sense of self-satisfaction and relaxation. If anything, current developments call for greater clarification of correctional goals, more teamwork between involved professions, and more training rather than less training in each of the disciplines and skill areas.

To combine the sociologist and the therapist is to end up with neither. To claim that one produces practitioners (therapists) "brooded" out of a nest where the therapies are not available is a case of mislabeling and unfair to those who need the service. Such mislabeling is equivalent to sending a pathologist out as a heart specialist, and dangerous to life; similarly to send a sociologist out as a therapist is perhaps dangerous to the one chance at rehabilitation the inmate may have.

It is true that many of our institutions have to depend on "line therapists" who are ill equipped to carry out their function. At least, as "therapy aides" they can be trained to seek help and supervision from a true therapist. To label these ill equipped "aides" as autonomous therapists is to close their ears to the supervision they require. One would no sooner give licensed vocational

nurses the rubric of registered nurse. In that path lies the doom of the rehabilitation process.

One wonders why any college would seek to "package" a sociologist, a manager, and a "therapist" in one confused wrapping. Is it that the college seeks a graduate therapy role for itself in a world which seems to honor graduate therapy programs? Is it that the college feels less than secure in the preparation of sociologists qua sociologists, or in providing adjunct sociological orientation to existing therapy training schools?

The therapeutic fields have been said to have been mared by Sociology and sired by Psychology. As sociologists we all know too well what happens when a mother seeks to swallow the lives of her young.

We are sure that Professor Esselstyn would agree with us in the conclusion that there is enough function for Sociology as Sociology in the correction field without seeking to absorb the disciplines we have helped develop.

Inasmuch as the specific points raised by Professor Esselstyn were thoroughly dealt with and in detail in the original article, we will spare the reader the ensuing tedium involved in a reiteration of these items.² We are puzzled however by Professor Esselstyn's statement that the Sociology and Anthropology Department at San Jose State College does not include a graduate and undergraduate educational program in corrections. According to the undergraduate catalogue the sociology major is designed for three types of students. The second type interests us at this point: "those who intend to seek immediate employment in occupations that utilize a sociological background."³ There are actually six courses at the undergraduate level in what the catalogue defines as "correctional services" courses. One course, *Introduction to Social Case Work* (1-6 units) is restricted to social service majors and sociology majors in the "correctional sequence". Additionally a course entitled *Internship in Sociology* is open to upper division and graduate students, and provides for fieldwork experience in the correctional services; e.g., probation, parole, and institutional placement.⁴ Sociologists supervise these field placements (of students in the "correctional sequence") along with people from the correc-

tional services. It is our contention that sociologists are not equipped to supervise case workers—especially sociologists who have had no work experience themselves in the rehabilitation field. Furthermore sociologists are not equipped to perform as recruitment agents for the correctional services as sociologists do at San Jose State.

Moreover, beyond the catalogue requirements, undergraduate students in the "correctional sequence" program are strongly urged to take a core of courses outside the Sociology Department including designated subjects in psychology and public administration (a core similar to the hodgepodge "core curriculum" prescribed by the CPPCA). One course in logic is recommended in order to help the students pass various civil service examinations (in the correctional services) at the county, local, and state levels. These core courses without the Department are in printed form, and are given to all students in the correctional sequence.

The graduate program includes four seminars in the "Correctional Services". Moreover, the graduate catalogue lists the Correctional Services as one of four fields of specialization within the M.S. program.⁵ Incidentally, one does not have to write a thesis to obtain this M.S. Moreover, M.S. candidates in the "Correctional Services" must appear before a committee composed of Probation, Parole, and Prison Personnel who screen them for: employability, experience, and re-internships.⁶

The claim of vagueness and overinterpretation of the poll reported in the article deserves comment. The results were carefully tabulated and reported, and it is obvious that the respondents recommending graduate training for correctional practitioners sought either a Masters of Social Work degree or a Masters in Corrections, both of which had therapeutic overtones in both practice and training. No respondents suggested a masters degree in sociology.

In conclusion we restate our position with two cardinal points: (1) There is no defensible undergraduate program in corrections as part of a liberal arts program. No attempt should be made, therefore, to inject a core of so-called correctional courses throughout a students liberal arts require-

² The comments which follow are exclusively those of the senior author.

³ San Jose State College Bulletin, 1965-66 General Catalogue (San Jose California: May, 1965), p. 224.

⁴ *Op. cit.*, p. 228.

⁵ San Jose State College Graduate Bulletin, 1965-66 (April, 1965), p. 115.

⁶ Mimeograph, San Jose State College #23094-1, August, 1963.