

PROGRAMS OF WORK RELEASE IN TWO FEDERAL
CORRECTIONAL INSTITUTIONS

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CORRECTIONAL INSTITUTIONS

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CHAPTER I

INTRODUCTION

Statement of the Problem and Purpose of the Study

Work release was first introduced to the United States in 1913 by the Huber Law in Wisconsin. However, the technique of work release has had limited use until the present decade. With the passage of the Federal Prisoner Rehabilitation Act of 1965, work release began to receive increasing attention as well as increasing implementation as a reaction to criminal behavior.

Very simply, work release is a program used by correctional institutions in which prisoners are released from the prison for a given amount of time each week during which they are employed in business and industry. At the end of every working day, the prisoners return to the prison, where they spend virtually all of their time which is not devoted to outside employment.

The present study has the following purposes: (1) to provide a general description of work release in this country, (2) to provide specific descriptions of the work release programs at two federal institutions, and (3) to relate the descriptions of these programs to societal reactions to crime and theories of criminal etiology and epidemiology.

Something more than a simple definition is required if one is to understand work release. This "something else" is a view of the context in which work release presents itself. From the broadest perspective, the entire fields of criminology and societal reaction to crime provide the context for the study of work release; yet it will not be the aim of this paper to supply a briefing on this large field. A more limited context for a theoretical and sociological study of work release is a brief history of work release in the United States and a description of work release as it is presently utilized in two specific correctional institutions.

Everything which exists or is knowledge is part of what philosophers call the great chain of being. In order to understand a phenomenon one must abstract from the reality and try to view it in its static dimension. But one is aware that a phenomenon exists in the dynamic dimension; that is, it is becoming. Work release is no exception to this; today work release is not what it was ten years ago, nor will it probably be in ten years what it is now.

In order to understand the dynamic element of work release, it will be necessary to explore the history of work release. When did work release originate? Why did it begin? How did it develop? Answers to these questions are important elements of the context of work release.

Also involved in the context of work release is a description (within limitations) of work release as it

presently exists in this country. An attempt is made to outline the extent of work release in the United States and to briefly describe the programs of several of the states using work release. The purpose of this section of the study, which is the second part of this chapter, is to establish the background on which the remainder of the study can be based. This inductive method of study describes work release in general before proceeding to an investigation of two particular programs of work release.

Although much can be gleaned from focusing attention on broad descriptions of work release, that which is gained is only background information. More central to the third purpose of this study are the descriptions of the particular programs of work release at the Federal Correctional Institution at Seagoville, Texas, and at the Federal Correctional Institution at Texarkana, Texas. The descriptions of these programs turn away from the broad generalizations about work release of the previous section and intensively examine two concrete examples of work release. Specific details about the programs are drawn from administrators of work release and from work release records at the two institutions.

This description in large part is concerned with the mechanics of work release. Some of the questions asked at this point are the following: What criteria are used in selecting men for work release? How are employers obtained? How long do men work on work release? Where does the money

go? What provisions are made for transportation? What are the alleged, presumed, or proven benefits of work release? By means of answers to such questions this study can describe what work release is and how it is conducted in these two institutions.

Some of the questions posed to the administrators are of a more subjective nature. For instance, questions are asked about prisoner morale and employer cooperation. Also, information is obtained about the problems of implementing work release. All of these involve a degree of judgment on the part of administrators, but the information obtained greatly supplements the descriptions of these programs.

Two institutions were selected so that a broad base for generalization is provided. Not only are these programs described, but they are also compared in terms of similarities and differences. Both are federal institutions, but they do differ in such factors as security considerations and other basic prison policies which are reflected to some extent in their respective approaches to work release.

With the two programs having been described, the study focuses on theoretical considerations. Two questions which are basic to the fields of criminology and penology are addressed at this point: (1) What kind of reaction to crime does work release represent? That is, what is the relation of work release to the punitive and rehabilitative reactions to crime? (2) What is the relation of work release to modern

criminological theories? In other words, how is work release, which is a relatively new technique in corrections, logically related to theories of crime which have wide application in the areas of criminology and penology? Answers to these questions rely heavily on information supplied in the descriptions of the two programs of work release. This task is largely one of translation. That is, the programs of work release are translated into the language and thought patterns of the theories and societal reactions involved.

"Societal reaction" in this study refers to what is commonly called "penology." This issue has to do with the manner in which society reacts when a person has been legally designated criminal. One of the products of American culture is a carefully devised list of laws which must not be violated. If the laws are violated, the society may annihilate the violator, segregate him, or leave him in society, in the latter two cases either attempting to reform, punish, or ignore him.

Societal reaction to crime is marked by a history which has involved numerous changes. These changes in societal reaction to crime might best be described as a search. The search is for an acceptable way to deal with those who have been convicted of crime. This search still goes on. Virtually all approaches to societal reaction to crime agree that some action must be taken, but the differences arise in that there are numerous ways of reacting to the criminal.

Some have suggested that physical torture or death of the criminal is the appropriate response of society to crime. Others suggest that education and recreation should be imposed upon the criminal. The wide separation of these examples shows just how far apart reactions can be.

At the basis of this cleavage is a pair of opposing concepts. One approach suggests that the criminal should be punished. A variety of ends are said to be met through punishment. The criminal is often quarantined from the rest of society for a period of time. He may be subject to harsh treatment or forced to pay for his error with money, both of which have been categorized by some as retribution. It has also been suggested that punishment functions to deter other members of society who contemplate crime. The other approach indicates that treatment rather than punishment is in order for the criminal. The goal of treatment is to work with the criminal and subject him to experiences which can induce him to function as a law abiding member of society.

Within the treatment approach there have been two differing trends. On the one hand, it has been suggested that criminality can be treated as an individual disorder, much like the clinical treatment of medical disorders. On the other hand group relations have been emphasized in treatment of criminality.

One purpose of this study is to integrate the concepts of treatment and punishment with the descriptions of work

release in the two federal institutions. Although this study will in no way exhaust the punishment-treatment discussion in relation to work release, it can provide a meaningful glimpse at the issues involved in a particular time at two particular institutions.

Finally, work release should be examined in light of some modern theories of crime. Theories in general seek to explain or to relate various facts about crime and criminals. Theories provide an explanatory network which integrates the diversity and complexity of crime. Theories of crime are attempts to explain the causes of individual criminality (etiology) and the distribution or spread of crime (epidemiology). Very generally theories of crime seek to explain what it is in human experience which creates and perpetuates the phenomenon of crime.

The experiences which an individual had prior to his being defined as criminal are extremely important to criminological theory, but there are other experiences which need examination. The experiences one has while he is in a correctional institution must also be included when considering explanations for crimes of recidivism. Since work release represents a departure from recent prison practices and since it subjects the inmate to experiences which he would not otherwise have in his correctional stay, it is meaningful to relate the work release experience to theories of crime. This is the final purpose of this study.

Although there are several theories which could be used at this point, this study will focus on three contemporary theories of crime. The first is Sutherland's theory of "differential association." The second is Merton's theory of "anomie," and the third is Cohen's theory of "delinquent subculture."

The reason for initiating this study is not difficult to establish. It rests primarily on the point that no such study has been done before. While there are scattered bits of information about work release in this country, there is nothing published which synthesizes the available descriptions of work release in the United States. Similarly, there is no writing which gives a detailed description of work release programs. Nor is there any published attempt to examine work release in relation to reactions, and casual or etiological theories.

The first section of this study can best be labeled as description, whereas the later sections can be called analytical and interpretive. Systematic description is logically prior to analysis. If scientific analysis were based on arbitrary or random investigations, the knowledge of human behavior would be vastly more chaotic than it is today. Any analysis must have certain limited goals. These limited goals are based on abstractions which have been made from the universe of human behavior. These abstractions take the form of description.

Such descriptions are essential to the social scientist. Often they can be obtained from others such as journalists, historians, and statisticians. Sometimes, however, there exist areas of behavior which have not been described by others or which have not been described adequately. Then it becomes necessary for the scientist to describe the area or collect data for himself. This is the case in work release. An area exists which badly needs analytical attention in the area of criminology, but there presently exists no description of work release on which such an analysis can be based.

A step which closely follows description in the case of work release is interpretation or translation of work release into the existing framework of criminology as has been previously outlined. This is the sociological task in this study. Although the descriptive task is essential, it is one which could be performed by someone other than a sociologist, particularly if he were given guidelines about relevant kinds of information needed. However, the theoretical interpretation of work release involves not only an understanding of criminological concepts and theories, but it also requires an understanding of the sociological premises on which they are based. It is hoped that the description and theoretical interpretation provided in this study can contribute to the understanding of the phenomenon of work release and to future analyses of that phenomenon.

Limitations of the Study

Due to such factors as time, money, and availability of information, this study will necessarily be limited in its scope. The review of literature will be limited to available descriptions of work release in the United States. Some of these descriptions are found in periodicals and books of libraries consulted in this research, while others are available from correctional departments and agencies.

The descriptions of the two work release programs will be limited to the programs at Seagoville and Texarkana as they existed at the time of the research.

The theoretical discussion will focus mainly on the theories of Sutherland, Merton, and Cohen as previously mentioned. The punishment-treatment discussion will rely on Sutherland's definitions of these concepts.

Work Release in the United States; A Review of Literature

Stanley Grupp introduced work release on a nation wide basis to those in the field of corrections in three articles which appear in professional journals.¹ Grupp defines work release as "the release of the prisoner from confinement during certain hours."² This release is usually for the

¹Stanley Grupp, "Work Release," Prison Journal, XLIV (Spring, 1964), 4-25; "Work Release in the United States," Journal of Criminal Law, Criminology, and Police Science, LIV (September, 1963), 267-272; "Work Release and the Misdemeanant," Federal Probation, XXIX (June, 1965), 6-12.

²Stanley Grupp, "Work Release and the Misdemeanant," Federal Probation, XXIX (June, 1965), 6-12.

purpose of employment although other temporary releases for reasons such as education are included under the work release laws. At the end of the working day the prisoner returns to the institution to which he has been confined when he is not on the job or in transportation to or from his place of employment. In most work release programs, a portion of the prisoner's earnings is given to the agency or institution to help pay for his room and board during incarceration.

Work release as defined above is known by various labels. In California, work release is formally referred to as work furlough. Day parole is the term used in Wisconsin while Pennsylvania calls work release the outmate program. Other labels include day work, daylight parole, free labor, free work, and intermittent jailing.³

At least twenty-eight state governments in the United States provide for some form of work release. The states and the respective years of inauguration of work release are: Wisconsin (1913), Nebraska (1917), West Virginia (1917), Hawaii (1937), Massachusetts (1950), Virginia (1956), California (1957), Idaho (1957), Minnesota (1957), North Carolina (1957), North Dakota (1957), Wyoming (1957), Arizona (1959), Illinois (1959), Montana (1959), Oregon (1959), Missouri (1961), Washington (1961), Michigan (1962), Florida (1963), and South Carolina (1963).⁴

³Ibid., p. 7.

⁴David McMillian, "Work Furlough for the Jailed Prisoner," Federal Probation, XXIX (March, 1965), 33.

Most work release programs are limited to misdemeanants. In 1966, only North Carolina, Michigan, Maryland, and the Federal Government had work release statutes applicable to felony offenders.⁵

An examination of some of the pioneer states in work release can provide a brief history of work release. The Huber Law of 1913 is usually cited as the first use of work release in the United States. Grupp points out that earlier antecedents do exist, however. Massachusetts as early as 1880 placed women from the Massachusetts Correctional Institution at Farmingham in the community under the indenture system. Often this system functioned on a day release basis.⁶

Nevertheless, the first law which specifically provided for work release was the Huber Law in Wisconsin. State Senator Huber advanced some of his reasons behind the law in his words by which he introduced the work release bill to the Wisconsin state legislature:

Committing a man to jail with nothing to employ his time defeats the ends of humanity more often than advancing it by depriving his family of its breadwinner. Under the proposed law he is shown the error of his ways, given his sentence, and kept employed so his family is not reduced to want.⁷

⁵Myrl E. Alexander, "Current Concepts in Corrections," Federal Probation, XXX (September, 1966), 6.

⁶Stanley Grupp, "Work Release and the Misdemeanant," Federal Probation, XXIX (June, 1965), 7.

⁷Sanger Powers, "Day Parole of the Misdemeanant," Federal Probation, XXII (December, 1958), 42.

As expressed in these words, Senator Huber conceived of work release as a promising alternative to total incarceration. He seemed to realize the difficulty in providing a well rounded program for prisoners which combines with other negative effects of the prison environment to produce unfortunate results from the incarceration experience.

The Huber Law as enacted and in its present form uses the term "sentenced to hard labor." Hard labor, however, was not interpreted to mean extremely strenuous labor such as road gangs or rock pile labor, but rather implied "fair and reasonable employment."⁸

When the legislation was enacted, if a county did not have a project in which to employ prisoners, it was the responsibility of the sheriff to find work for the prisoners. The law also provided that the county jail legally included any place at which a prisoner was performing labor. The prisoner with dependents had a certain portion of his earnings applied to their support with the balance going to the county. A number of amendments to the law have been adopted which have refined work release in Wisconsin.

Even though the Huber Law was found to work quite successfully in Wisconsin, the idea was slow to catch on in other states. Although several other states passed bills which provided for work release the technique was used very

⁸Ibid.

little outside of Wisconsin and even in that state not all counties made use of the program.

It was not until 1957 that work release began gaining more attention and momentum. In that year, North Carolina became the first state to apply the idea of work release to state prisons.⁹ Initially the North Carolina program was limited to misdemeanants who had not previously served a term, or terms, or part thereof totalling more than six months in jail or prison.¹⁰ As a result of this restriction only sixteen inmates were recommended by the courts for work release during the first two years of the program.¹¹

Criticism began mounting from judges and others who argued that the work release law should be made more inclusive. Thus the 1959 North Carolina General Assembly amended the law to include felons with sentences up to five years.¹² The amendments permitted the presiding judge to recommend to the State Prison Department that a person be given the option of serving his sentence on work release provided his sentence was not greater than five years. The only qualification to this was that work release could not be granted to an inmate

⁹South Dakota Legislative Research Council, Work Release (Pierre, South Dakota, 1966), p. 3.

¹⁰Allen Ashman, "Work Release in North Carolina," Popular Government, XII (1966), 1.

¹¹Ibid.

¹²Ibid.

who had served less than one fourth of his sentence unless the recommendations of the presiding judge of the court which imposed the sentence were considered. In 1963 the "not exceeding five years" clause was deleted.

Another state which adopted the idea of work release in 1957 was California. The program was established by the California legislature in the Work Furlough Act.¹³ In California the program was set up for operation on the county level. The state required that the county adapt the work furlough program by county ordinance or resolution and that the county board of supervisors appoint the county sheriff or probation officer as "Work Furlough Administrator." Nevertheless the program was accepted quite readily and has been used with apparent success by several counties.¹⁴

On September 1, 1965, President Johnson signed the Prisoner Rehabilitation Act of 1965, which now applies to most federal prisoners. Among the important provisions of this law is the "authority to permit certain inmates to work at regular employment in nearby communities and return to their institutions during nonworking hours."¹⁵ U. S. Prison Director Alexander stated that out of 22,000 sentenced federal prisoners, 1,000 to 1,500 may eventually be extended the work

¹³McMillian, op. cit.

¹⁴Ibid.

¹⁵Alexander, op. cit.

release privilege.¹⁶ The original work release provision of the Act was amended to insure that the plan will not contribute to local unemployment problems nor undercut locally prevailing wage standards or working conditions.

Some of the states using work release now are North Carolina, Minnesota, Washington, Wisconsin, and California. A summary of programs in these states can provide an overview of work release as it presently exists in this country. Also included in the following section will be a summary of a federal program of work release in an institution other than those emphasized later in this study.

North Carolina

An article in Popular Government gives a good general description of work release in North Carolina.¹⁷ As previously mentioned, work release in North Carolina operates on a uniform state wide basis. Both felons and misdemeanants are eligible for work release. In order to be eligible for work release an inmate must have "suitable employment or offer of suitable employment in a locality where facilities for work release inmates have been provided."¹⁸ Therefore employment within a specified locale is a prerequisite for work release.

¹⁶"The Prisoner Rehabilitation Act of 1965," Federal Probation, XXIX (December, 1965), 6.

¹⁷Ashman, op. cit.

¹⁸Ibid.

Questions have persistently arisen in North Carolina about whether separate facilities should be provided for work release prisoners. The original statute provided that work release prisoners had to be quartered apart from prisoners serving regular sentences. Later that requirement was revoked so that housing administration would be left up to the discretion of the State Prison Department. At present all prison units in the state which house and handle work release inmates, separate work release from non-work release prisoners.

Another facet of the program in North Carolina is the requirement that the prisoner himself must initiate employment. Some argue that this requirement probably excludes those who have the most to gain from work release. The problem seems to be that men are favored who happen to be employed at the time of sentencing. The program does not discount men who might receive offers of employment after being committed to prison.

It is reported that it is more difficult to bring women into the work release program than men. The major reasons given for this are that fewer jobs are available and that women's work release facilities are lacking.

The Prison Department functions as a "transmittal agent" for the money earned on work release; that is, it sends the money to the designated places. A problem has come up regarding communication with welfare agencies. Most families

who are dependents of inmates receive some sort of welfare. When work release checks come in the welfare checks are adjusted. Often, however, there is a lag in adjustments to the welfare checks resulting in financial hardship if the work release checks are suddenly discontinued or sharply reduced.

Ashman reports that work release has grown greatly as a program in the past few years. Furthermore, the "success" rate is considered very high. Approximately eighty-one per cent of those on work release completed the program without committing a single serious infraction either on or off the job.¹⁹ According to Garland B. Daniel, Supervisor of Prison Job Placement, the nineteen per cent who did not complete the program successfully usually failed for reasons such as going to their place of residence rather than to work and for using intoxicants. Less than one per cent actually failed to return to prison.²⁰

The work release program of North Carolina is also reported to be successful economically. From the beginning of the program in 1957 until January 1, 1966, the total earnings by prisoners on work release have been \$5,587,352.12.²¹ The majority of this figure can be cited as tax savings to the North Carolina citizens.

¹⁹Ibid., p. 3.

²⁰Ibid.

²¹Ibid., p. 4.

Minnesota

According to a paper prepared by the Minnesota Council on Crime and Delinquency, the work release law in Minnesota states that only those sentenced to a county jail, workhouse, or lockup are eligible to participate in work release.²² Most work release programs on the state level are limited to misdemeanants, but the Minnesota program also includes certain felons.

The decision to place one convicted of crime on work release is left to the discretion of the sentencing court. The first annual report on work release states that the major objective of the program is to provide support for the offender and his dependents while serving his sentence.²³ The earnings of each prisoner may be collected by the sheriff, probation department, welfare board, or the person or agency designated by the court. That agency may pay for the support of dependents, pay fines, and pay for the prisoner's support while serving his sentence. Any remaining balance is retained for the prisoner until his discharge.

Work release is used mostly in the Twin City area of Minnesota. The highest portion of work release inmates are traffic offenders. Those convicted of other misdemeanors

²²Minnesota Citizen's Council on Delinquency and Crime, Position Statement on Work Placement for Youthful and Adult Offenders (Minneapolis, 1966), p. 6.

²³James F. Hulburt and Nathan G. Mandel. Work Release

such as simple theft, drunkenness, disorderly conduct, failure to file state income tax, assault, etc., are also reported to be satisfactory work release candidates. About eighty-six per cent hold the same job prior to commitment.

A statistical summary of the Minnesota work release program in 1966 is provided in the second annual report on work release.²⁴ In 1966, 2,224 individuals (2,200 males and 24 females) were permitted to participate in the work release program. That figure represents 12.3 per cent of those incarcerated in 1966. Twice as many counties (42) used work release in 1966 as in 1965.

Three metropolitan counties (Hennepin, Ramsey, and St. Louis) held 86.2 per cent of all work release in the state: Hennepin 51.98 per cent, Ramsey 27.25 per cent and St. Louis 6.97 per cent. The other counties (rural) accounted for 13.8 per cent.

Traffic violations constituted 74.64 per cent of the offenses for which work releasees were sentenced.

Other statistical statements about the program can be made which exclude Hennepin county because of insufficient data. The mean age of individuals on work release was 29.56 years (median age 25.44). Unskilled labor comprised 52 per cent of the occupations of prisoners with skilled labor accounting for an additional 33 per cent.

²⁴James F. Hulburt and Nathan G. Mandel, Work Release in Minnesota (Minneapolis, 1967), p. 15.

Work release is most frequently given to those individuals who have jobs immediately available to them (92 per cent). No significant effort is made by law enforcement or social agencies to assist sentenced prisoners without jobs to find them during incarceration so that they too might become eligible for work release.

Of the work release terminations in 1966, 87.6 per cent served their sentences to "successful" conclusions. Officials who had supervision of the custody of work release prisoners felt that 84 per cent had benefited from the program. Also, approximately 82 per cent of work releases retained the same job upon release that they had during the program.

Washington

In the state of Washington, a work release program has been implemented in the jurisdiction of King County. The program which has been in effect approximately one year is described in a paper compiled by the King County Sheriff's Department in Seattle, Washington.²⁵

After referral to the work release program a candidate becomes involved in a two-fold screening process. The first consideration is whether the individual is qualified for the work release program, that is, whether in the judgment of the work release staff the individual shows potential in terms of

²⁵King County Sheriff's Department, King County Work Release Program (Seattle, Washington, 1967), pp. 1-3.

the requirements which the work release program places on its participants. Secondly, the candidate is assessed in terms of his inter-personal problems. This screening process involves a battery of tests administered by the work release psychologist. Prior to recommendation for work release, background information on an applicant is gathered by a social worker.

The work release program is integrated with other correctional techniques such as individual, group, and family therapy. All work release participants are given an opportunity to be involved in therapy. During the first year of the work release program 90 per cent of those in the program have become involved in therapy.

Also, work release inmates have developed a recreation club to which they voluntarily contribute each week. The money collected by the work release club is used for recreational, educational, and hobby equipment at the discretion of the club members. Other uses of the money in the first year included rental of a washer and dryer and purchase of Christmas candy for a school for retarded children in the Seattle area.

Another seemingly unique aspect of the King County program is its relationship with area colleges and universities. Students from the University of Washington and Seattle University have been involved in the program both as employees and as volunteers. Social work students may fulfill field

placement requirements in the program and psychiatric residents at the University of Washington Medical School use the program as a training facility.

Some summary statistics are offered on the first year operation of the work release program. Three hundred forty-eight inmates participated in the work release program during the first year. The mean age of the work release population was thirty-one years. Total funds remitted to the work release program by the inmate population amounted to \$61,076. Most of the inmates were employed in construction, public service, industrial and shipyard trades.

A research grant from the Federal Office of Law Enforcement Assistance has funded research on the King County work release program. An extensive report is being prepared which will be available in early 1969.²⁶

Wisconsin

A statistical bulletin released by the state of Wisconsin describes the present program of work release in that state.²⁷ All adult inmates who are not serving life sentences and whose placements are approved by the sentencing courts are eligible for work release. Inmates who have committee offenses of an

²⁶Letter from James Coughlin, Director, Washington Bureau of Rehabilitative Services, Seattle, Washington, September 19, 1968.

²⁷Wisconsin Department of Health and Social Services, Work Release Program 1967 (Madison, 1968), pp. 1-5.

assaultive nature and those serving sentences under sex crime laws are normally excluded from the program.

In 1967 there were forty-one inmates who participated in the Wisconsin work release program. Twenty-seven completed their work placements in that year, and fourteen continued their employment at the close of the year. An effort was made in 1967 to secure "more responsible" employment for those on work release. This trend is reflected in the reduced number of canning company employees, and the increased number of inmates employed in foundry and factory placements.

Earnings in 1967 by individuals ranged from a low of \$159 to a high of \$4,250. The average earnings were \$1,370 for male inmates and \$872 for the women. This was a considerable increase over earlier years.

Employers' reactions to the work release program are favorable. Four of the twenty-seven inmates whose institution stays terminated during 1967 continued employment in their work release positions. Probably this number would have been greater had the jobs been situated nearer the metropolitan areas where many of the ex-inmates live. During 1967 there was only one instance in which the employer indicated he would not rehire the inmate on a regular employment basis. Also, there was only one inmate removed from the work release program due to employer dissatisfaction.

In light of encouraging results and acceptance of work release by inmate participants, employers and communities, the program is being expanded and developed to include more inmates in increasingly better positions. The work release program of Wisconsin is also being expanded to release qualified inmates to participate in special educational and vocational programs offered by various communities, area vocational schools, and university extension centers.

California

The program in California operates on a county basis. The program in Orange County is described by David McMillian.²⁸ Orange County began work release operation on July 1, 1962. The county probation officer was named the Work Furlough Administrator and procedures were worked out in meetings with judges, sheriff's officers, and the county probation staff.

The work furlough administrator conducts an investigation of individuals who apply for work release. After accepting an individual for the program he works out details with the inmate and the employer. Also some arrangement is made for transportation. Unlike other programs, the Orange County program permits some individuals to drive their own cars to and from work.

During the first two years of operation a total of 325 male inmates were granted work-furlough sentences. Two

hundred thirty-five were from municipal courts while ninety were from superior courts. The sentences ranged from fifteen days to one year, with an average of eighty-eight days. The most frequent offenses were driving with a suspended or revoked license and drunk driving, but other offenders convicted of burglary, bad checks, assault with a deadly weapon, and intoxication have participated successfully in the program.

Of the 325 inmates involved in the first two years, nineteen inmates were returned to the court or removed from the program for violation of regulations. Of these, fourteen used intoxicants, three went to their place of residence rather than work, one failed to return to the jail and one committed a new offense (drunk driving).

During the two years involved, prisoner earnings totalled \$243,863. Of this families of prisoners received \$165,218 while \$42,414 went to the county as a reimbursement for confinement costs. Administrators point with pride to the money saved by taxpayers as a result of the program.

Federal Institution, El Reno

A federal program at the U. S. Reformatory near El Reno, Oklahoma, is described by Robert Anderson.²⁹ El Reno began its work release program shortly after federal legislation authorized such a program. Inmates who are classified as

²⁹Robert Anderson, National Conference on Pre-Release: Proceedings of a Conference (Huntsville, Texas, 1968), pp. 73-81.

minimum custody cases are eligible, but offenders identified with organized crime activity and those convicted of serious crimes against the person cannot be considered for the program.

Selection for the work release program begins with the initial classification process when an individual enters the institution, but an inmate must voluntarily submit an application before work release placement can occur.

Anderson suggests that employment placement is a critical point in work release. To that end a full time employment placement officer is employed in the El Reno institution. Emphasis is given to place men on jobs which will be employment possibilities after a man's release. Examples of such jobs are welding, plumbing, and aircraft repair.

Relationships with employers are said to be very good. In some cases the employers have gone too far in attempts to be helpful to the inmate. For example, some have not informed authorities when inmates have violated work release regulations.

Of the 203 men involved in the work release program during the first two years over 150 completed the program successfully. Two men asked to be removed from the program while thirty-eight were removed for rule violations and sixteen escaped.

When the program was being implemented at El Reno, attempts were made to inform the public about the work release

program. Journalists were informed about the program and subsequently began to introduce work release to the public. As of November 4, 1967, Kuyk Logan, city editor of the Daily Oklahoman, reported that the program was doing very well and that few complaints were being expressed by members of the surrounding communities.³⁰

In summary, Anderson suggests that the work release program in its few years of existence has presented promising possibilities. It appears to be beneficial for the inmate and at the same time has received support from employers and the general public.

³⁰Ibid., p. 82.

CHAPTER II

METHODOLOGY

The methodology for the present study of work release involves two separate procedures. The first procedure is designed to describe work release in the two selected federal correctional institutions. The second is designed to relate the descriptions of these programs to theories and propositions of modern criminology.

Description of Two Work Release Programs

The method employed in the descriptive section of the study is related to what has historically been referred to as the inductive method of investigation. In this method, particular facts or observations are collected and related in such a way that generalizations (descriptions) may be produced about the objects under consideration. An early advocate of this method was Aristotle, who made empirical observations and subsequently induced generalizations based on his observations. A more sociological example of this method can be seen in the work of Charles Cooley, who induced generalizations about the self from observing children.¹

¹Lewis A. Coser and Bernard Rosenberg, editors, Sociological Theory: A Book of Readings (New York, 1964), p. 312.

The inductive method is distinguished from the deductive method, which begins with pre-established generalizations and seeks to incorporate or categorize particular facts in terms of these generalizations.

The inductive method is utilized in this study in that the descriptive task involves a process of collecting particular information about the work release programs and combining that information so that a unified description can be presented.

To accomplish this purpose two methods are used. The first is an interview with prison personnel who administer the work release programs. A group of written questions is used so that the two sets of information from the institutions are comparable. Some questions ask for purely factual information such as how funds are distributed which are earned on work release or how an inmate is chosen for work release. Other questions involve evaluation and definition of the situation by the interviewee. As W. I. Thomas and others have suggested, responses to such questions are meaningful and real in that they are defined as such by the participant in the situation.² It might be interesting to describe the work release situation as defined by persons other than administrators, but such descriptions are beyond the scope of the study.

Each interview conducted for this study has several questions which are of the open-ended type. Such questions

²Ibid., p. 233.

provide opportunity for expression of qualifications, reservations, or exceptions which might occur to the interviewee. Also, answers to such questions may provide clues to aspects of work release not previously incorporated into the interview.

The other method in the descriptive task involves the use of information from institutional records. Such information as age, marital status, length of sentence, and prior convictions is recorded from the institutional records and later compiled into summary statements which provide generalizations about the programs under investigation. This method obviously assumes the existence and accessibility of such records.

Relation of Work Release Programs to Theoretical Considerations

Whereas the description of the programs of work release rely on the inductive method of reason, the integration of these descriptions with theoretical concepts and propositions is more closely related to deductive reasoning. That is, given theories and propositions which have been formed to explain particular facts related to criminology, and given particular facts about work release, what can one conclude?

The descriptive section of this study provides a collection of facts related only in that they describe work release. The problem in the theoretical section is that of relating these descriptions to theories of criminology.

Thomlison places this task at the very heart of the scientific endeavor:

Systematic interconnecting of facts is the object of science; unrelated facts present a challenge to the scientific mind. A fact as such has very little meaning; but when it is placed into systematic or theoretical relationship to other facts, meaning is created.³

Often this aspect of science involves creating and testing hypotheses which may relate the facts in question. However, in the present case there exists a body of criminological theory and concepts to which work release can be related. The theories and concepts used in this study have been delimited in Chapter I.

Through this method, work release is explored in relation to selected theories and reactions to crime. The ever present question in this section of the study is, "How does work release logically relate to theories and reactions to crime?" It is anticipated that some aspects of work release will relate directly to the theories and propositions involved, whereas other aspects will be only distantly related if at all.

³Ralph Thomlison, Sociological Concepts and Research (New York, 1966), p. 37.

CHAPTER III

WORK RELEASE AT TWO FEDERAL CORRECTIONAL INSTITUTIONS

Under the authority of the Federal Prisoner Rehabilitation Act of 1965, several federal correctional institutions began programs of work release. Two such institutions are the Federal Correctional Institutions located at Seagoville, Texas, and Texarkana, Texas. Below are descriptions of those two work release programs.¹

Work Release at the Federal Correctional Institution at Texarkana

Background of the Institution

The Texarkana Federal Correctional Institution is described as a medium security institution. As the name implies, the institution accommodates prisoners who are better security risks than those of a maximum security institution. On the other hand, inmates of the Texarkana institution are not afforded so extensive freedom from security precautions as are inmates of a minimum security institution.

¹All information in this chapter came directly from interviews with administrators of the two institutions, Mr. James Stambaugh, who is Chief of Classification and Parole at the Seagoville institution, and Mr. M. E. Hall, who is Work Release Co-ordinator at the Texarkana institution. Statistical information came from institution files and reports which were made available during the interviews.

The average inmate population of the institution is 550 men. The medium sentence is 42 months, and the median age is 36 years. Most inmates in the institution were sentenced under convictions of car theft, check forgery, mail theft, narcotic violations, and Internal Revenue Service violations.

The function of the institution is described by administrators as having two purposes. First, the institution isolates the inmate from society by means of incarceration. Secondly, the institution seeks to accomplish correction in the life of the inmate by means of such techniques as education, vocational training, and work release.

The institution is presently involved in planning stages of a transition in the institution. It is anticipated that the inmate population in the future will be a younger population. Corresponding with this change in age composition will be a change in functional emphasis. The emphasis on training and other types of rehabilitation will be expanded beyond present levels.

Selection For Work Release

In order to be selected for work release, an inmate must make application on the appropriate form. The application is given by the inmate to his caseworker who reviews the man's file and brings the application before the classification team. At Texarkana the classification team consists of the caseworker, a member of the educational or vocational staff, and the

custodial staff. If the classification team approves the application, it is sent to the advisory committee. The advisory committee is made up of department heads in the institution such as chief medical officer, associate warden, chief of classification and parole, and the supervisor of education. If the advisory committee approves the application it is sent to the warden who makes the final decision for an inmate's acceptance or rejection for work release.

Several criteria are considered important in reviewing an application for work release. In every case full minimum custody is a prerequisite to work release. To be considered for work release an inmate must be serving a sentence for a crime other than a violent crime, and he must not be identified with organized crime. Also, work release will not be authorized for offenders whose presence in the community is likely to evoke adverse public reaction toward the inmate or the government.

In most cases the inmate must be in good health both physically and mentally to be considered for work release. In cases in which an inmate is handicapped either physically or mentally, work release placement can be accomplished if jobs are found which are consistent with the inmate's ability.

Another important criterion is financial need. Since monetary remuneration is a feature of work release, men who have families who suffer financial hardship are considered to be in a position to benefit greatly from work release.

However, men who show no evidence of financial need are not excluded from the program in that they may benefit from the program other than financially.

M. E. Hall, co-ordinator of work release at Texarkana, summarizes the process of selection for work release in this way:

We are trying to find a situation which will be beneficial for the inmate, but at the same time we are not merely looking for figures or statistics which will look good on paper. We must consider the protection of the institution, the community, and the work release program itself.²

Employment

When an inmate is approved for work release, a job is selected for him by the work release co-ordinator. Efforts are made to match the work release applicant to his new job in terms of his past employment and job training.

At Texarkana there is no difficulty in obtaining jobs for work releasees. There are approximately thirty employers who regularly employ work releasees, and calls are received daily from other employers who wish to participate in the work release program.

Very few limitations are placed on employment possibilities. Such limitations are left up to the discretion of the administrators concerned. One rule which does limit employment is that no work-releasee can be self employed.

²Statement from M. E. Hall, Texarkana, Texas, November 19, 1968.

Care is taken in the employment procedure to insure that the work releasee is treated as a normal employee. Some employers inquiring about the work release program envision it as a means to obtain cheap labor. The work release coordinator makes it clear to such employers that employment of work releasees must in no way differ from normal employment procedures.

The Working Day

Transportation presents no great problem at Texarkana. The institution owns a nine-passenger station wagon, which is driven by an inmate driver. Although there are times when several trips are necessary to transport all work releasees to and from work, this arrangement has functioned to the satisfaction of institutional administrators. One factor which reduces the transportation problem is that virtually all of the jobs are in downtown Texarkana which is a short drive from the institution.

Since each man on work release is classified as a minimum custody case, very few security precautions are required for work releasees. Upon entering or leaving the institution the work releasee checks with the control officer and tower officer in charge. While actually on the job no security checks are made on the inmate. The work release co-ordinator contacts employers weekly in every work release case, but this contact is designed to keep communication lines open with

employers rather than checking to see if the work releasee is on the job.

Hall reports that having the stigma of being from the institution does not hinder the work releasee's relationships with other employees. Often other employees are found to be going out of their way to associate with the inmate. All employees are informed that the work releasee is from the institution, and no complaints have yet been received from other employees concerning the work release program.

The major rule which pertains to the working day is that the work releasee remains in the technical custody of the Attorney General. If the work releasee is not in the right place at the right time, he is considered to have escaped from custody. Other rules prohibit consumption of alcohol and contacts with persons other than those necessary for the performance of occupational duties.

As long as work release has been in operation, employers have expressed considerable satisfaction with the program. In several cases employers have requested that a man be permitted to remain in Texarkana when he is paroled so that he can continue his employment. Hall reports that all employers have been most co-operative with the program, even with special problems that arise in the working day of the inmate.

When work release inmates are not on the job or in transportation to or from the job, their life is exactly like that of the other inmates. They are permitted to engage in activities

other than work release, such as education, religious functions, and recreation. While in the institution work releasees are given no special privileges.

Distribution of Money

Part of the earnings which men on work release receive is returned to the institution to contribute to room, board, and transportation expenses. Inmates are charged seventy cents each day for transportation. This charge begins as soon as the inmate goes on work release. The room and board expense is two dollars a day. This expense begins after the inmate has been on work release for thirty days.

When the inmate is paid by his employer, the check is given directly to the work releasee. The work releasee turns the check into the institution for accounting and distribution purposes. Each payday the inmate is given ten dollars which he may use as spending money.

When an inmate begins work release, he signs an agreement which states how his earning on work release will be spent. If he has dependents or owes money, he agrees on what proportions of his earnings will be sent for these purposes. All money must be accounted for except the ten dollars spending money. In some cases saving accounts are established which may be withdrawn when the inmate is released.

Work Releasees In the Institution

Work releasees function in a way very similar to other inmates while they are within the institution. For practical reasons all work releasees are housed together separately from other inmates. This is done because work releasees operate on a different schedule from other inmates. By housing work releasees in one section of the institution, disturbances created by early rising and entering and leaving the institution at odd hours are confined to a single area of the institution. Also, since the transportation is provided by a single vehicle, a tight schedule must be kept, which is facilitated if all work releasees live together.

Besides being housed together, work releasees are often found in each others' company in the institution. Hall points out that work releasees often talk to each other about their jobs and try to encourage and help each other. However, work releasees are not segregated from other inmates and they do spend time with inmates who are not on work release.

From the viewpoint of the institutional staff, the inmate on work release has no special status in the institution. Among other inmates, the work releasee occupies a position of prestige. Hall stated at one point, "Every inmate hopes to someday go on work release and he respects those who presently are in the program."³

³Ibid.

Statistical Summary of the
Work Release Population

At the time of this research, the number of men on work release was unusually small. A description of that population would not be representative of the program. Hall did furnish some statistical summary statements based on the six-month period ending in June, 1968, which were compiled for institutional records. This information is as follows:

The average age of those on work release was thirty years. The average pay on work release was \$1.70 per hour. The average time spent on the program was 98 days. Eighty-five per cent of the work release inmates were married.⁴

Evaluation of Work Release

Hall suggests that there are many advantages to work release. A major advantage is that it is an economic asset to the inmate and his family. Quite often welfare checks to dependents can be discontinued or reduced, thus giving a psychological boost to the inmate as well as his family. Although work release is not an economic asset to the institution itself at Texarkana, it is a relatively inexpensive technique partly because it does bring some money into the institution.

Also, Hall feels that work release definitely helps rehabilitate the inmate. "You would have to work closely with inmates on work release to appreciate the effects it

⁴Ibid.

can have."⁵ It functions largely as a learning experience whereby inmates become a part of the world which they previously have been alienated from. Hall relates these examples:

I have had several of the men say to me that they have never before been responsible for keeping up with money in their entire lives.

Some learn simple tasks that are taken for granted by most people such as acquiring a money order or being interviewed for a job.⁶

Contacts with people outside of the institution are emphasized as being important by Hall:

We have had people whom inmates work with call in and want to know if the inmate can go to church with them or if he can come out to their home for a home cooked meal, or if he can just come for a visit. It's amazing to see how well the inmates are accepted by their co-workers.⁷

Another advantage of work release is the noticeable effect it has on an inmate's morale. Hall stated, "Again this is something you would have to see for yourself, but there is no question that work release improves an inmate's morale."⁸

A pre-release advantage of work release is that it provides on-the-job training and experience which can be helpful upon the inmate's release. Employment references can be provided which can improve employment possibilities after one is released. In several cases men have moved to

⁵Ibid.

⁶Ibid.

⁷Ibid.

⁸Ibid.

Texarkana upon being released or paroled and have remained on the same jobs which were theirs in work release.

Another advantage of work release is that it provides exposure to the outside world. Most inmates, suggests Hall, have some problem of adjustment when they are released from an institution. Work release, besides giving the inmate a general exposure to the outside world, acquaints the inmate with employment and gives him an opportunity to become accustomed to the responsibilities which employment require.

Families of inmates often express appreciation to Hall for the work release program. "I have had quite a few letters from mothers and wives who tell me how much they appreciated their man being on work release. They tell me how much it has helped and how it has changed him."⁹

On the other hand there are some problems or problems related to work release at Texarkana. There have been one escape and numerous violations of work release regulations. Contraband has presented some minor problems at Texarkana among work releasees. Thus far these problems and others have presented no great threat to the work release program.

Other Considerations about Work Release

Hall definitely considers work release a treatment process. In his opinion there is little or nothing about work release which could be considered punishment.

⁹Ibid.

Local community reaction to work release has been favorable. Hall reports, "Most people know about the program and approve. In our contacts with the community we get numerous comments about the program and most of these are complimentary."¹⁰ Negative criticism is quite rare.

At the present time Hall does not see a great need to expand work release in the Texarkana institution. Although he endorses it as a correctional technique, he feels that acquiring large numbers of inmates for work release could be a dangerous goal. Nevertheless, for those who qualify, he suggests that work release is one of the most successful techniques available.

Work Release at the Federal Correctional Institution at Seagoville

Background of the Institution

According to James Stambaugh, Chief of Classification and Parole, the institution at Seagoville became a correctional institution for men shortly after World War II. Even in its early years the institution was something of an experiment in minimum security. From 1945 to the present the institution has had no wall or security fence, no guns, no towers or other security measures commonly found at correctional institutions.

Until 1967 the average age of the prison population was about 38. Officials then decided that the facilities could

¹⁰Ibid.

be more profitably used for a younger population. At the present time the age range is from 21 to 35, with about half of the men under 25. The size of the population is approximately 400.

Stambaugh stated without hesitation that the intended nature of the institution's function is in a nebulous state at the present time. "I'm not sure we know what we want. It seems that sometimes it depends on the way we feel at the moment."¹¹ Nevertheless there are some very definite goals toward which the institution is working. The primary goal of the institution seems to be rehabilitation, to offer inmates a way of life which is an alternative to the life of crime. This goal however is often confused or moderated by public pressure which manifests itself in U. S. Bureau of Prison regulations which demand equal time for punitive policies.

A number of techniques are employed in programs at the institution. Upon entering the institution a man is classified according to his needs as perceived by himself and a classification team. He then enters a program designed for him, which may include education, vocational training, institutional maintenance, group therapy, individual counseling, recreation, and sometimes work release.

¹¹Statement from James Stambaugh, Chief of Classification and Parole, Seagoville, Texas, November 21, 1968.

The present breakdown of types of offenders is as follows: 20 per cent violated selective service laws, 25 per cent were convicted for transporting a stolen vehicle across state lines, 20 per cent were convicted on narcotics charges; the remainder are mostly bootleggers, check forgers, and those who have broken and entered government property. Men who have committed violent crimes are not sent to the Seagoville institution.

Selection for Work Release

When an inmate is initially classified in the institution, work release is considered along with other techniques for use in the individual's treatment program. Work release in federal institution can not be initiated until the last six months of an inmate's incarceration. Thus work release is almost never a part of an inmate's program immediately after his arrival at the institution.

Work releasees must volunteer for the program. At the Seagoville institution almost every inmate volunteers for the program as soon as he hears about it, so there is no paucity of applicants. The actual application procedure is verbal. Each three months a classification team meets to discuss an inmate's program. At such a meeting the inmate may officially express his desire to be on work release. The decision is then made by the classification team.

The primary criterion in selecting or rejecting a man for work release is financial need. If one can show evidence

of family need or prior debts, he is usually seriously considered for work release whenever he has approximately six months left before his release.

Other criteria can be classified under the category of past performance. This includes both the time spent prior to as well as during one's present incarceration period. Records are reviewed by the classification team which as a group decides whether a man is a good work release risk.

Since he must accept the responsibility for the program and its success or failure, it is the warden of the institution who has the final say in whether a person goes on work release. At Seagoville the warden rarely reverses decision made by a classification team.

Employment

At the Seagoville institution jobs are obtained by an employment placement officer whose full time is devoted to developing resources for employment. He keeps in close contact with employers who may have appropriate jobs available. When a man is approved for work release, the employment placement officer considers the individual's interests and background and selects a job for him.

An exception to matching a man with his previous training and experience is the man who was self-employed before incarceration. It has been the policy of the Federal Bureau of Prisons that a man cannot run his own business while he is in

prison. Work release is no exception to this policy. Also it is anticipated that the lack of supervision involved in self employment could produce security problems.

Jobs are readily available for work releasees. The main source of jobs is the Dallas metropolitan area, which is within easy driving distance of Seagoville. At the time of this study unemployment in the Dallas area is about two per cent. Stambaugh suggests that there is no difficulty in obtaining jobs. However, the situation might change in a different economic climate.

There are no jobs which are officially excluded from the work release program, but certain common-sense guidelines are used. Jobs are usually excluded from the program which expose the inmate to distractions which could lead him to violate work release regulations. Also, jobs which produce a disproportionate number of difficulties are excluded from the program. For example, men who have worked in restaurants on work release were very often found to be violators of work release regulations. Without attempting to investigate causes related to this type of employment, the staff simply agreed to use other types of employment when available.

The Working Day

After trying a number of approaches to the problem of transportation, the method now used is a bus driven by an inmate driver. Each man is charged a dollar and fifty each day

for his transportation. Still, the institution does not break even on the cost of transportation, but this method seems to be the most desirable of the alternatives.

Security precautions are minimal for those on the work release program. The men are actually on their own each day from the time they leave the institution until the time they return. About once each week the employment placement officer checks with the employer and the work releasee at his job. This is intended to be a helpful gesture rather than being a security check. The employer has no security responsibilities in the program. He is asked to notify the institution if the work releasee is not at work as he should be. Security in the work release program is largely a matter of trust rather than close watchfulness or physical restraints.

Relationships with other employees have not presented major problems for those on work release. In a few cases employers have requested that other employees not be informed that a fellow employee is also an inmate. In such cases the employers' wishes are respected by the institution and by the inmate; the relationships seem to be augmented rather than hindered because of the man's imprisonment. Often employees go out of their way to be friendly with a work releasee. It is speculated that this takes place as a result of sympathy for the man's having to return to the prison each day after work.

The regulations of work release are few in number but they set up definite boundaries which are not to be crossed. The main regulation is that the work releasee must remain at work during working hours. Also while on work release, the inmate is prohibited indulgence in alcohol or sex. Another regulation, of course, is that the work releasee is expected not to violate any laws while released from the institution.

The consequences for violation of regulations vary with the violation. If a man is defined as an escapee he is automatically taken off of the program and transferred to an institution which offers greater security. However, if the offense is less serious, other disciplinary action is taken. For example, it was discovered in one case that a man had been drinking beer before returning to the institution one evening. He was assigned the task of washing the institutional vehicles for a specified number of weekends. Sometimes violation of regulations may result in an inmate's "good time" being reduced; this may extend his incarceration period.

Without exception employers have expressed satisfaction about the work release program. This, according to Stambaugh, is mainly due to the fact that it fulfills the employer's need. The employer is almost guaranteed that he will have a dependable employee on the job for a specified period of time. Few employers have expressed interest in the rehabilitative aspects of work release, but in general they treat the

work releasee with respect and often become sympathetic to his situation. In several instances employers have supported the inmate in seeking parole and have offered him a job upon his release.

When work releasees are not on the job or being transported they may participate in other activities within the institution. However, they rarely participate in other activities because their time is quite limited and they are often tired from working full time.

Distribution of Money

Work release inmates contribute fourteen dollars a week toward their room and board expenses. This is collected in every case except hardship cases in which a man's dependents have a severe need for money. The fourteen dollars does not cover institutional expenses, but it does contribute to the budget and at the same time can be valuable learning experience for the inmate.

Work releasees are paid by employers by check. The check is brought to the institution, where all accounting takes place. Each work releasee has an account at a local bank. For checks to be paid they must have signatures of both the inmate and an officer of the institution.

Work releasees are given part of their earnings each week for spending money. Usually this is ten dollars a week and it may be spent as the inmate sees fit.

In terms of actual distribution of money, the inmate makes a contract with the institution before he goes on work release. The distribution will vary according to the financial needs of the individual and his family.

Work Releasees in the Institution

Work releasees are housed separately from other inmates in the institution. This is done for scheduling purposes rather than as a type of intended segregation. Also administrators anticipate that work releasees will be more sensitive to the needs of fellow work release inmates in the living situation.

During the time that they are not working, work releasees spend a sizeable amount of time with each other. Some of this is not by choice since they live together and are commuters together several hours each week. However, administrators have noticed that work releasees are often found together during periods of time in which they are not together by arrangement or necessity.

According to Stambaugh, being on work release does not give an inmate special status in the institution. Every inmate eventually would like to be on work release, and quite often there is jealousy about who is chosen for work release. While work release itself is held in high regard, being on work release does very little to change the status of an individual inmate. Work releasees are regarded as fortunate by

other inmates, but they are not necessarily granted greater power or respect as a result of being on work release.

Statistical Statements on the Work Release Population

From the population of 50 inmates on work release in late November, 1968, the following statements can be made. The average age of work releasees was 27 years. The average years of education completed was approximately 10. While on work release 52 per cent were unskilled labor, 30 per cent were skilled labor, 13 per cent were in college or other schools, and 5 per cent were on white-collar jobs. Forty-two per cent of work release inmates were married and 28 per cent had no convictions previous to the one for which they were presently serving sentence.

Evaluation of Work Release

Economically speaking, work release is both an asset and a liability. From the institutional standpoint, work release is a costly venture. First, by having men on work release the institution loses a considerable work force which could be providing institutional services. Secondly, the institution loses money on transportation. Thirdly, staff members must be hired to oversee the work release program. Still, administrators feel that the advantages of work release offset these costs.

The economic enhancement of the inmate is an advantage of the program. As previously mentioned the program can

provide funds for family support, payment of debts, or for savings to be used after release. These advantages are almost always accompanied by personal advantages such as sense of worth or pride which are quite rare in the correctional setting.

In terms of rehabilitation, work release is seen by Stambaugh as a kind of helping hand. Previously when a man had served his time, he was thrust from the institution into a world which was very strange to him. Work release, by contrast, is a way by which the inmate can gradually be exposed to the outside world within a socially acceptable structure (employment). This possibly can help the inmate accomplish an orderly transition from the institution to the world in which he will live upon his release.

During one's work release time, efforts are made to keep communication lines open with the inmate. When problems arise counselors are available to help the inmate think his problem through. Also, efforts are made to inform the inmate of adjustments and problems that he will face which he has not confronted while on work release. For example, work release does little or nothing to help the inmate return to the role he will play in his family.

Inmate morale is seen by Stambaugh as one of the most exciting results of the work release program. Says Stambaugh, "Inmates look forward to it [work release]."

they work for it and they have a feeling of accomplishment when placed on work release."¹²

One side effect of the goal orientation which work release provides is that it seems to reduce adjustment problems within the institution. It is assumed that by being given a goal inmates are distracted from the usual problems of incarceration.

Work release also provides job training and experience. From the inmate's viewpoint job training and experience are largely directed toward the short-term end of being on work release, but the experience and training can be helpful in the long run in terms of preparing a man for employment upon his release. Along these lines, Stambaugh states, "Our entire approach is to see what we can do toward preparing the man to return to live a normal life upon his return to society."¹³

The reaction of inmates' families has been overwhelmingly positive. Numerous letters have been received expressing appreciation for the program. Through these contacts the institutional staff is given an opportunity for communication with families which previously may have been blocked by hostile feelings of the family toward the institution.

Another side effect of the program is that news media have become interested in work release and have given good publicity to the program. This has been very helpful in

¹²Ibid.

¹³Ibid.

informing the public about work release as well as other aspects of the institution.

There are certain problems and disadvantages which can be noted about work release. One problem in work release is violation of rules and escapes. Precautions are taken in screening applicants for work release to minimize these problems. There is little doubt that work release does present more temptation to the inmate than he will encounter while he is actually within the physical structure of the institution. Nevertheless, Stambaugh points out that even this challenge can have positive effects on those who successfully complete a term of work release.

Contraband and other security problems have not presented great difficulties to the institution. Stambaugh does not deny that items are brought into the institution, but thus far this has not created concern among the staff members.

At present there is no problem with organized labor regarding the program of work release. Local unions are aware of the work release program, and have in no way objected or complained that the program jeopardizes the job market for union members.

Other Considerations about Work Release

In response to the question of whether work release is punishment or treatment, Stambaugh replied that it is almost completely treatment. That is, it is designed to expose the

inmate to a set of experiences which will be conducive to law abiding behavior in the man's future.

However, there are punitive aspects to work release.

Stambaugh suggests:

I think work release intensifies incarceration. A man within the institution at all times somehow adjusts to the institutional environment. However, a man on work release is actually two people. During the day he deals freely with other people as a normal human being, but every evening he returns to the institution as an inmate. I can see how this might increase his anxiety or frustrations. On the other hand you must remember that he is close to his release date which might diminish this frustration.¹⁴

Regarding community response to work release, Stambaugh points out that the citizens of the community have responded favorably to the program. During his experience with the program, Stambaugh remembers only one mildly negative comment made after speaking to various civic groups.

Stambaugh feels quite strongly that work release is a successful technique and that it should be expanded as a correctional technique. "Almost every inmate should have an opportunity to be on work release or some similar program. He is eventually going to be released anyway and it makes little sense to just throw him out of the institution whenever his release date is up."¹⁵ Also, Stambaugh reports that his colleagues at Seagoville share his enthusiasm and optimism about the program of work release.

¹⁴Ibid.

¹⁵Ibid.

Comparison of the Two Institutions

In most respects the work release programs at the Seagoville and Texarkana institution are identical. This is not surprising, in that both programs were established by the same federal law in 1965 and both follow the same guidelines established by the Federal Bureau of Prisons.

Procedures for selection of work releasees, distribution of money, other administrative details, and time management both within and outside of the institution are remarkably similar. Another notable similarity in the programs is that participants in both programs including inmates, institutional supervisors, employers, and fellow employees, all have favorable responses to the program.

One notable difference between the programs is the number of inmates participating. The Seagoville program usually has more than fifty men involved in the program, whereas Texarkana averages fewer than twenty. This difference is due in part to the difference of availability of administrative time for the program. Also, work release is no doubt more adaptable to a minimum security institution such as Seagoville than to a medium security institution such as Texarkana.

Other differences between the institutions' approaches to work release are very minor and probably reflect differences in orientation or judgment by Hall and Stambaugh as much as actual differences in the two programs.

Both Hall at Texarkana and Stambaugh at Seagoville share confidence in the program of work release as well as optimism about its future. Both are satisfied and enthusiastic about work release and hope to retain it as a permanent option in correctional techniques in their respective institutions.

CHAPTER IV

THEORETICAL IMPLICATIONS OF WORK RELEASE

The Relation of Work Release to Punishment and Treatment

In the field of criminology there are two main categories of societal reactions to crime: treatment and punishment. Both the treatment and the punishment schools of thought are reflected in specific societal reactions to crime. Edwin Sutherland proposed at one point, "If there is one key to understanding present day practices in the control of crime it is the conflict between the treatment reaction and the punitive reaction."¹ In the following section the concepts of punishment and treatment are related to work release as described in the previous chapter.

Punishment and Work Release

Sutherland defines punishment as having two essential ideas: "(a) It is inflicted by the group in its corporate capacity upon one who is regarded as a member of the same group. (b) Punishment involves pain or suffering produced by design and justified by some value the suffering is assumed to have."²

¹Edwin H. Sutherland and Donald R. Cressey, Principles of Criminology (Philadelphia, 1966), p. 365.

²Ibid., p. 308.

Work release at the federal correctional institutions described in the previous chapter is an experience which in no way is inflicted or imposed. In both institutions, the work release program operates on a strictly voluntary basis. In both institutions the first prerequisite for being on the work release program is written or verbal application.

Although work release is voluntary, it does relate to Sutherland's definition of punishment in that it is offered by the group in its corporate capacity to one who is a member of that group. In this case the group consists of the citizens of the United States. Work release is offered by the group through members of Congress who passed the law authorizing work release.

The second idea in Sutherland's definition of punishment focuses on the key words of "pain" and "suffering". Sutherland cautions his readers that suffering or pain which may be considered punishment must be suffering which is intended or designed, and which is imposed or inflicted upon a person. This implies that an inmate may have considerable pain and suffering in his life which has nothing to do with punishment. This is an important point when examining work release since the everyday work experiences of the work releasee no doubt involve experiences which could be categorized as pain or suffering.

The descriptions of work release programs at Texarkana and Seagoville provide little or no evidence that work release

involves imposed pain or suffering. Both Hall and Stambaugh state unequivocally that they see nothing in the two programs of work release which involves intended punishment. Also in their memory no one else involved in the work release situation, such as other staff members, employers, other employees or the work release inmates themselves, has ever defined work release as being punishment.

Sutherland expands his discussion on justification of punishment by introducing several values which are indicated by those who defend punishment. Three values discussed in some detail are retribution, deterrence, and reformation.³ The concept of retribution implies that the criminal deserves to suffer since in committing crime he made others suffer. In other words, punishment is justified by the "an eye for an eye and a tooth for a tooth" argument. Deterrence is an argument used to justify punishment in that infliction or suffering on those convicted of crime is thought to deter others from crime. Suffering is inflicted to serve as an example to others. Similarly, some think that criminals are reformed and will therefore not commit future crime if they are subjected to pain and suffering.

The logical step in relating retribution, deterrence, and reformation to the two programs of work release is a short one. In each case the three arguments used to justify punishment

³Ibid., pp. 341-344.

presuppose the infliction of pain or suffering on the offender. As previously indicated, no evidence was found which supports the contention that the work release programs involve purposive infliction of pain or suffering. Also the administrators interviewed were not found to use retribution, deterrence, or reformation or any other justifications of punishment as justification for work release.

Sutherland also categorizes methods of implementing punitive policy. The four categories indicated are physical torture, social degradation, financial loss, and removal from the group by death, by exile, or by imprisonment.⁴

Although many of the work release jobs involve physical strain, physical torture is not a part of the work release situation. Again, the stress of employment is not imposed pain or suffering.

Social degradation is a possibility for the work releasee in that he is exposed to members of the public who are aware that he is an inmate. The descriptions of the Texarkana and Seagoville programs indicate that administrators are aware that such possibilities exist. Although there are no doubt comments or inferences directed toward work releasees which could be interpreted as socially degrading, administrators report that such occurrences are very rare. In general, work releasees are reported to be quite content with their social

⁴Ibid., p. 314.

relationships on the job. Administrators report that social distance is usually decreased rather than increased when fellow employees are informed of a man's inmate status.

Whether work release involves financial loss depends largely on what comparisons are made. In comparing a work releasee's income with that of an inmate not on work release, it becomes apparent that the work releasee is in a position of financial gain. However, in comparing the work releasee's present financial status with his financial status before incarceration there indeed might be a financial loss. However, given the status of being in an institution, work release does provide one of the very few channels available for an inmate to have any income at all.

Finally, does work release involve removal from the group by death, by exile, or by imprisonment? Obviously work release does not involve the death penalty or deportation, but conclusions about imprisonment are not so easily made. Work release by its nature offers part time release for employment coupled with part time incarceration. Usually discussion of work release refers to the actual release time for employment and time required for administrative details which accompany this release. However, in considering the correctional situation as a whole attention must be directed to all of a work releasee's time.

When asked specifically if part time imprisonment could be considered punishment, both Hall and Stambaugh granted that

this could be a punitive aspect of work release. Stambaugh indicated that work release might even intensify the punitive aspect of imprisonment since the work releasee is exposed to the sharp contrasts of freedom and imprisonment every day. Also work release regulations prohibiting drinking and other activities may be seen as an extension of imprisonment to the actual work release setting.

Whether imprisonment can be classified as a punitive aspect of work release depends largely on where lines of definition are drawn. If imprisonment is defined as a part of work release, it may be seen as a punitive aspect of work release. On the other hand, imprisonment might best be treated as given. That is, given the situation in which society has demanded imprisonment for a number of men, what then are the punitive or non-punitive options of dealing with them? From the latter viewpoint it may be argued that work release itself is a non-punitive response which operates within the context of the punitive response of imprisonment. Nevertheless, no matter how defined or worded, it is clear that imprisonment is a part of the work releasee's life and that imprisonment itself may be classified as punitive.

In summary, it may be said that with the possible exception of imprisonment, the two work release programs very poorly fit the Sutherland definition of punishment. There is little or nothing about work release which involves inflicted pain or suffering and very little about justifications or methods in

work release which corresponds with justifications or methods of punishment.

Treatment and Work Release

Sutherland suggests the following definition of treatment: "The personality of the offender and social situation in which he became a criminal are studied and, by means of knowledge thus secured, an attempt to modify behavior is made."⁵ Also Sutherland shows that the medical concept of treatment is somewhat analogous to the correctional concept of treatment.⁶

Hall and Stambaugh both affirm that treatment is the basic reason behind having the federal work release program. Hall said at one point in his interview, "We hope that as a result of work release and other techniques, a man will become adjusted to the outside world and will not commit further crime after he is released from the institution."⁷ Work release also is described by Hall as a learning experience whereby an inmate can learn how to perform tasks which previously may have been stumbling blocks.

As previously stated, work release is prescribed as a treatment only after an inmate's background has been examined.

⁵Ibid., p. 365.

⁶Ibid.

⁷Statement from M. E. Hall, Texarkana, Texas, November 19, 1969.

This examination in the two institutions described involves both the personality and the social situation of the inmate.

There are several facets of work release that may be considered related to the behavioral changes for which treatment is intended. The "may be" of the previous statement must be emphasized. At the present time no empirical evidence exists which either supports or denies behavioral-changing characteristics of work release. Nevertheless, the expressed views of work release administrators and observed logical relationships can provide treatment oriented factors in work release.

One such factor is the observable behavioral change within the institutional situation. Stambaugh suggests that changes in behavioral patterns within the institution occurred simultaneously with the establishment of the work release program. Specifically he mentions that institutional adjustment problems decreased since work release was made a part of the correctional program. Whether a causal relationship exists or not is a matter of speculation, but Stambaugh does feel that the work release program is highly contributive to behavioral changes. Also it is difficult to predict whether the immediately observable behavioral changes will have permanent effects. It is quite possible that behavioral changes within the institution are temporary effects aimed at achieving the goal of being on work release.

The fact that work release offers an opportunity for on-the-job training as well as employment experience might very easily contribute to behavioral changes. In situations in which employment was a problem because of lack of skill or experience, the work release program could possibly open the way for major behavioral changes.

Another factor of work release which may be related to behavioral change is the group support which the inmate receives during the work release experience. Hall and Stambaugh stated that fellow employees as well as employers offer support to the inmate in his efforts to occupy a legitimate position in the outside world. Also it is suggested by Hall and Stambaugh that work releasees offer support to each other as they participate in work release.

The monetary gains of work release might also be related to treatment. Lack of money is one of the sources of frustration which accompanies incarceration. This is particularly true when an inmate feels financial obligations as the head of his family. Money earned on work release can be used to satisfy financial obligations and therefore relieve frustrations. This could be related to behavioral changes.

One behavioral change observed among work releasees is a boost in morale. According to Hall and Stambaugh work releasees exhibit an obvious change in attitude when placed on the program. Families substantiate the fact that morale changes are observable when an inmate is placed on work release.

It is also probable that work release is related to behavioral changes which become apparent during one's initial return to the outside world. Work release, having provided one with an exposure to the outside world, possibly facilitates one's return to society.

Finally, inmates themselves report to Stambaugh and Hall that work release has been a helpful experience. Although such expressions are often exaggerated to enhance the inmate's chances for parole, they nevertheless may be sincere expressions that some change actually has taken place in the inmate's life as a result of work release.

Work release is treatment at least by intention. Although it is difficult to conclude that work release does in fact treat criminality, there are a number of factors which are potentially rehabilitative.

Treatment Implementation and Work Release

In discussing implementation of treatment Sutherland uses the term "individualization," which means "a treatment process in which the handling of each case of criminality includes expert diagnosis of individual problems and needs, expert prescription of therapy and expert therapy."⁸ Within this general system for implementing the treatment reaction to law breaking, there are two methods for administering treatment: the individual or clinical method and the group or situational method.⁹

⁸Sutherland, op. cit., p. 375.

⁹Ibid., p. 376.

The individual or clinical method is based on the assumption that criminality is a disorder which can be treated in a clinical setting without reference to an offender's social groups. An example of such clinical implementation of treatment is individual psychotherapy.

On the other hand, the group method of implementing treatment is based on the principle that "criminality is social in nature and, therefore can be modified in individual cases only if the criminal's relations with social groups are modified."¹⁰ Treatment in this case involves changing group relations. Examples of the group method of treatment are probation, education, and parole.

Work release is best categorized as a group-relations method of implementing treatment. Rather than isolating the inmate and treating him in a clinical setting, work release exposes the offender to law abiding groups. Work release gives an inmate an opportunity for interaction with people most of whom he would not otherwise have contact with.

Hall and Stambaugh in describing the work release programs at their institutions implied that exposure to groups of people outside of the institution is a feature of work release. Stambaugh was addressing this point when he objected to merely keeping an inmate locked up for certain number of months and "thrusting" him back into society whenever the release date arrives. One implication is that it is to the

inmate's advantage to be prepared for the social contacts he will encounter upon release. According to Stambaugh, work release is an answer to this problem.

While on work release the work releasee may be exposed to several groups. Often jobs involve exposure to customers or clients. There may be exposure to executives or other management personnel on the job. However, the group with which the work releasee spends much of his time and the group with which he apparently identifies is the group of fellow employees who have jobs similar to his own. It is this group which is found to befriend the inmate and who seeks to extend social relations beyond the working day.

Although much can be said which supports the group relations method, Sutherland points out two shortcomings of the method: "First, the presence of a cultural pattern does not necessarily result in its adoption. . . . Second, offenders frequently find great difficulty securing intimate contacts with law abiding groups."¹¹ Both of these might indeed be shortcomings of the work release programs. In the first case, exposure to the outside culture by means of a job in no way insures adoption of values surrounding the employment situation. In the second case, there is no assurance that relationships one has while on work release are intimate. It is possible that the inmate feels very uncomfortable in his relationships

¹¹Ibid., p. 380.

and that no one in the work release situation enjoys his trust or confidence. Such a situation could considerably reduce the possibility of treatment in the work release situation.

Work Release and Differential Association

One value of criminological theory other than explanation of the genesis and distribution of crime is that it can imply solutions to the social problem of crime. Criminological theory provides a framework for explaining criminal behavior and that same framework may be used to suggest remedies for crime. One theory which seeks to explain crime and points to ways of dealing with crime is Sutherland's theory of differential association.

Edwin Sutherland's statement of the theory of differential association was introduced in 1939 and modified in 1947. According to Donald Cressey, the theory is currently in its period of greatest popularity.¹² The actual statement of the theory of differential association is found in nine propositions. Each of these propositions to some extent may be related to programs of work release.

Probably the most important of the nine propositions is what Sutherland refers to as the principle of differential association. It states, "A person becomes delinquent because of an excess of definitions favorable to violation of law over definitions unfavorable to violation of law."¹³ In the work

¹²Ibid., p. 83.

¹³Ibid., p. 81.

release situation there is no conclusive measurement of definitions favorable or unfavorable to violation of the law. Yet the intention and design of the program as well as prima facie evidence from descriptions of two work release programs indicates that work release provides excessive definitions unfavorable to violation of the law.

Hall and Stambaugh emphasize the value of exposing the inmate to law-abiding people in law-abiding circumstances. This value is highly justifiable in light of the principle of differential association. It is not unreasonable to hypothesize that the inmate on work release will be exposed to more definitions unfavorable to violation of the law than to definitions favorable to violation of the law. Much of the interaction on a work release job has to do with circumstances actually encountered in accomplishing the job at hand. Since employment used on work release is law abiding employment, most interaction will be either neutral to or positive to definitions unfavorable to violation of the law.

Differential association might also vary with the type of employment used on work release. Stambaugh points out that work releasees placed in the restaurant business violate work release regulations more often than those on other jobs. In terms of the principle of differential association, he assumed that the restaurant business exposes the work releasee to an excess of definitions favorable to violation of the law, which in this case includes work release regulations.

A consideration related to the discussion of work release and the principle of differential association is what the inmate would be doing were he not on work release. In almost every case the inmate would be confined to the institution, where he would interact mostly with other inmates. Clemmer and others have proposed that interaction among inmates within an institution often functions as a training school in crime.¹⁴ Apparently through the process of prisonization one is exposed to an extreme excess of definitions favorable to violation of the law. Work release at least interrupts the prisonization process and exposes the inmate to an alternative set of values.

Other propositions of differential association state that criminal behavior is learned, that it is learned in interaction with others through communication, and that it is learned in intimate personal groups.¹⁵ In his discussion of these propositions and as stated in another proposition of differential association, Sutherland indicates that the same learning processes operate for both criminal and non-criminal behavior. This being the case, the propositions apply to correctional techniques such as work release as well as to the genetic explanation of criminal behavior. Based on these propositions, correctional techniques can be evaluated in terms of whether a learning situation is provided which encourages non-criminal

¹⁴Donald Clemmer, The Prison Community (New York, 1958), p. 298.

¹⁵Sutherland, op. cit., pp. 81-82.

behavior, whether the learning situation offers interaction in a process of communication, and whether or not the learning situation involves intimate personal groups.

Work release can be described as a learning situation in which non-criminal behavior may be internalized. Job training is one type of learning on work release, but other informal learning takes place as a result of interaction with others in the process of communication. Intimate personal relations may or may not exist on the job. Stambaugh reports that there have been cases of close relationships between work releasees and others, particularly employers.

Another proposition of differential association is that the learning process related to criminal behavior involves learning techniques of crime as well as learning the direction of motives, drives, and attitudes. Conversely, the learning process related to work release involves learning of techniques of performance on the job as well as learning the drives, motives, and attitudes related to such behavior.

A related proposition states, "The specific direction of motives and drives is learned from definitions of the legal code as favorable or unfavorable."¹⁶ In work release this depends on the specific group of people that the work releasee is associated with. If the working group is representative of the American culture, the definitions will be mixed. That is,

¹⁶Ibid.

some legal codes will be defined as favorable and others as unfavorable.

A qualifying proposition of the differential association theory is that differential associations may vary in frequency duration, priority and intensity. "Frequency" is a modality which poorly applies to work release since virtually everyone on work release is on the program from the first and probably the last time. However, "duration" could be a dimension well worth investigating. At the two institutions described, legal considerations preclude a great deal of flexibility in the duration of work release since no one may go on the program until he has six months or less in the institution. Since "priority" refers to early childhood experience it is not applicable to work release. "Intensity" has to do with how one values associations and consequently how one values definitions related to certain associations. This is of crucial importance in the work release program, as it no doubt is in criminal causation. If the learning experiences one has on work release are intense, permanent behavioral changes may become apparent. On the other hand if an inmate sees work release as merely another way to pass the time away it is likely that no permanent behavioral changes will result.

The final proposition of the theory of differential association is: "While criminal behavior is an expression of general needs and values it is not explained by those general needs and values since non-criminal behavior is an expression

of the same needs and values."¹⁷ In relating this proposition to correctional techniques such as work release at least one point is evident: general needs and values cannot be relied upon to explain or encourage law abiding behavior any more than they can be used to explain criminal behavior. As Sutherland suggests, the same needs and values are present in both criminal and non-criminal behavior. Therefore, for correction to take place, a learned behavior pattern must be encouraged which involves law abiding behavior. Work release is designed to provide such a learned behavior pattern.

In summary, work release is logically consistent with the theory of differential association. Whereas the theory describes the learning processes and behavioral responses related to an excess of definitions favorable to violation of the law, work release by intention is a correctional technique involving learning processes and behavioral responses related to an excess of definitions unfavorable to violation of the law.

Work Release and Anomie

In his theory of anomie, Robert Merton directs attention toward elements in the social structure to explain deviant behavior. Two elements are especially worth noting: (1) culturally defined goals and (2) the means for achieving these

¹⁷Ibid.

goals.¹⁸ Cultural goals and cultural means may have varying degrees of emphasis. In one culture, for example, the goals may be greatly emphasized while the means for attaining the goals are de-emphasized. Merton points out that stable and integrated societies maintain a rough balance between goals and means.¹⁹ On the other hand, Merton indicates that delinquent behavior is due to lack of balance between goals and means. "It is, indeed, my central hypothesis that aberrant behavior may be regarded sociologically as a symptom of dissociation between culturally prescribed aspirations and socially structured avenues for realizing these aspirations."²⁰

According to Merton, contemporary American culture has an emphasis on success, which is very often measured in terms of money.²¹ Although there are several other types of crime, many offenses can be interpreted as culturally unacceptable means of achieving the culturally acceptable goal of money. Clearly, Merton's theory of anomie is not limited to explaining theft and other monetarily related crimes, but this does provide a concrete example of the theory's application.

In the context of Merton's theory it is reasonable to suggest that correctional techniques should function to bring about a balance between acceptable cultural goals and means.

¹⁸Lewis A. Coser and Bernard Rosenberg, editors, Sociological Theory: A Book of Readings (New York, 1964), p. 550.

¹⁹Ibid., p. 551.

²⁰Ibid., pp. 551-552.

²¹Ibid., pp. 553.

If as Merton suggests, American culture emphasizes success, work release as a correctional technique emphasizes means of achieving success. According to Hall, work release provides basic skills and on the job experience. It provides experience in applying for jobs and in budgeting the money earned on the job. These are culturally acceptable means which previously may have been unavailable to the offender. If work release does provide the offender with culturally acceptable means of achieving goals, it is possible that the use of unacceptable means may become unnecessary and undesirable.

Several criminal offenses may be interpreted as the pursuit of unacceptable goals. In such instances work release may expose the offender to culturally acceptable goals which he previously was unaware of or unattracted to. If other employees in a work release situation are law abiding citizens, they might communicate acceptable goals to the work releasee. In such a situation the work releasee may learn both acceptable goals as well as an acceptable means of achieving the goals.

In summary, work release does have potential for dealing with delinquent behavior as described by Merton's theory of anomie.

Work Release and The Delinquent Subculture

Albert Cohen's theory, as its title indicates, relates non-utilitarian juvenile criminality to the social structure

in which it is found, the subculture. Such subcultural groups are usually found in urban areas, and are called gangs. Cohen observes criminal behavior in such subcultures and describes it as non-utilitarian, malicious, and negativistic.²² By this he means that criminal behavior is not aimed at meeting useful needs, that pleasure seems to be gained from bringing harm to others, and that the norms of the gang are the antithesis of norms of the large culture.

To explain the delinquent subculture, Cohen turns to a general theory of subcultures which proposes that such groups are formed by people who have common problems and who have similar resources for solving their problems. In coming together, such people gain acceptance of their mutually found solutions to problems and create their own system of values.²³ Within the subculture the individual may find security which comes through conformity and group support.

For some, conformity with the values of the large culture is nearly impossible. A prime example offered by Cohen is that lower class children are judged by how well they perform in middle class education, for which they are poorly prepared. Faced with the almost insurmountable task of conforming to middle class values, the possibility exists for forming a subcultural group which may seek a new solution to the problem.

²²Albert Cohen, Delinquent Boys: The Culture of the Gang (Glencoe, Illinois, 1955), p. 25.

²³Ibid., pp. 50-58.

Two requirements are said to exist before a subculture arises. First, there must be a number of individuals with similar problems of adjustment. Second, these individuals must be in effective interaction with one another.²⁴ When these ingredients exist it is possible and likely that a subculture will be created which meets the needs of the individuals. Within the subculture an individual may attain status in spite of the fact that he is not conforming to the values of his culture.

If the subculture is at cross purposes with the value system of the large culture, the subculture invites the hostility of the culture. This motivates an in-group feeling within the subculture. As one increases in status in the subculture, he decreases in status in the large culture. It then becomes to the advantage of the individual to repudiate the values of the large culture to enhance his position within the subculture.²⁵

Through the delinquent subculture a group of boys attempts to redefine status demands so that they can be met. The gang becomes convinced that there is something wrong with middle class values, and therefore puts a new set of values in their place. These values are the antithesis of middle class norms and are therefore deviant.²⁶

²⁴Ibid., p. 59.

²⁵Ibid., p. 66.

²⁶Ibid., p. 129.

In relating the delinquent subculture theory to programs of work release, two questions arise. First, what can work release offer to someone who has been a member of a delinquent subcultural group? Second, what are the possibilities for a non-delinquent subculture on work release?

In answering the first question, it must be remembered that the delinquent subculture arose in response to a problem. Cohen describes that problem as status deprivation. That is, the lower class boys could not perform well in middle class society. Without judging whether it is a desirable one or not, work release offers a solution to the problem which creates the delinquent subculture. It provides the delinquent with the essential means by which he may become a part of middle class society. It provides him with the skill and the initial experience by which he may attain employment and become a member of the lower middle class. Although work release does not provide one with an abundance of techniques and knowledge about middle class living, it can reduce the cleavage which was the source of status deprivation.

Whether the inmate substitutes the middle class values for his delinquent subculture values would depend largely on how committed he was to the delinquent values and on how intense the work release experience is. Even if the inmate adopted the values related to work release, he would still have to resolve conflicts between his old and new value systems. This would be particularly problematic if the offender

were exposed to his delinquent subculture upon his release from the institution.

In addressing the second question, it must be remembered that Cohen proposed requirements for the existence of a subculture: that a group of people have similar problems and that these people be in effective communication. These requirements virtually eliminate the possibility of a subculture made up of the work releasee and his fellow employees. Although the work releasee and employees are in effective communication, the problems they face other than working day problems are dissimilar.

Another subculture possibility for a work releasee exists in the group of fellow work releasees. As mentioned in the descriptions, work releasees do have common problems and they do freely communicate with each other. When asked if work releasees were found in communication during their free time at the institution, both Hall and Stambaugh said they were. Stambaugh stated that in his opinion there was a subculture among work releasees at Seagoville. If such subcultures exist, it is not known what values are developed in the subcultures because outwardly the work releasees behave in accordance with regulations in order to remain on work release. It is possible, however, that such a subculture is the antithesis of and serves opposite purposes of the delinquent subculture.

CHAPTER V

CONCLUSION

After describing programs of work release and examining these descriptions in terms of various theories and concepts the following summary conclusions can be drawn: (1) Work release is strongly weighted in favor of treatment in the treatment-punishment discussion. (2) In the area of treatment, work release is part of the group relations method of treatment as opposed to the individual or clinical method of treatment. (3) In relation to the theory of differential association, work release offers associations which appear to give an excess of definitions unfavorable to violation of law. (4) In relation to Merton's theory of anomie, work release can provide culturally acceptable means to an offender and thereby reduce the dissociation of means and ends as well as expose the offender to other culturally acceptable goals. (5) In relation to Cohen's theory of delinquent subculture, work release can function to solve the problem of status deprivation which gives rise to the delinquent subculture as well as provide a temporary but new subculture which is non-delinquent.

This newly popular technique is not to be seen as isolated from contemporary theory. On the contrary, as a

treatment technique, work release is well supported by the three theories selected for use in this paper.

Work release can provide fertile ground for future research. Although this paper shows logical theoretical underpinnings for work release, empirical research needs to be done to determine what behavioral changes, if any, are actually related to work release.

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