

ONLY THOSE WHO BELIEVE CAN STAY THE COURSE IN TURBULENT TIMES

A Value-Based, Strategic Approach to the Management and Development of Corrections¹⁾

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I have chosen a theme at the intersection of correctional management, criminal justice policy, and social values.

It is often said that nothing in our time is constant or predictable, that we live in times of great uncertainty. Planning with a reasonable horizon has lost its significance, perhaps even its "raison d'être". These are words that we often hear. Yet one thing, unfortunately, seems to remain stubbornly constant: the perceived need for ever-increasing numbers and degrees of correctional interventions.

There is always a danger in making general comments on phenomena which exist in all countries but which are, by and large, part of or a reflection of diverse local, geopolitical and social environments. Therefore, when speaking of the world of corrections, I am aware that this is only to a limited extent a global world, one in which systematic interdependency is not the predominant feature.

The world of corrections is primarily a world of national institutions, institutions through which nations exercise their ultimate power. It is through their correctional institutions that nations inflict varying degrees of pain on those who have violated important national values and rules. Yet despite the largely national character of corrections, there are a number of critical issues with which correctional systems throughout the world seem to be wrestling. There also appear to be certain attitudes and beliefs about fundamental correctional issues which may have general applicability - international applicability, if you will.

My remarks intend to explore these common approaches to correctional issues.

SOME RECENT DATA

Although all of you are probably familiar with international trends in corrections, it might be useful to begin with a few data as a backdrop for my comments.

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- A recently published report by the Sentencing Project in Washington has reported a steady, ongoing increase in the use of incarceration. (The U.S.A., which has traditionally held the number one position in terms of incarceration rates, has now been overtaken by Russia as the world's leader in incarceration rates).
- The United States today has in excess of 500 inmates per 100,000 in the population, an incarceration rate which is 5 to 7 times that of England, France, Germany and Sweden.
- The Netherlands has seen a doubling of the incarceration rate since 1980, although its rate is still relatively low compared to most countries.
- In Canada, the federal prison population has increased by 57 percent since 1980.
- There is no doubt that the American situation is by far the most worrisome among countries about which we have fairly detailed information. The estimate is that this year, federal, state and local governments in the United States will spend more than 30 billion dollars (U.S.) on corrections, including the building of new prisons and the expansion of existing ones. This number is up from 4 billion dollars in 1975, less than 20 years ago.
- The Census Bureau reports that government spending on prison construction increased by 612 percent (adjusted for inflation) between 1975 and 1990, the last year for which the Bureau has complete data.
- The American prison population is now at an estimated 1.3 to 1.4 million, and figures as high as 5 million people under correctional jurisdiction have been mentioned recently. The increase in the prison population in the United States lies somewhere between 1,000 and 1,500 inmates per week.
- More people than ever before are being returned to prison in the United States for violation of conditional release. The figures show that whereas 27,000 were returned to prison in 1980, 142,000 were re-incarcerated in 1992 - an increase of more than 425 percent over a twelve-year period.
- Furthermore, prison construction seems to be surging all over the United States. As an example, Florida doubled its spending on prison construction between 1990 and 1994, while Texas officials are quoted as saying that they plan to open a new correctional institution each week for the next 18 months.

THE U.S. CRIME BILL

In addition to these figures, I would draw your attention to the tough new measures included in the recently passed U.S. Crime Bill with its "three strikes and you're out" provision. This Bill clearly reflects a significant hardening of public attitudes in that it calls for a mandatory sentence of life imprisonment for anyone convicted in federal court of a serious violent felony if that individual has two or more prior convictions for serious violent felonies in federal or state courts. The Bill also authorizes 8 billion dollars (U.S.) for 100,000 more police officers and 7.8 billion dollars for the construction, operation, expansion or modification of state correctional facilities.

Fifty percent of this money is reserved for those states with laws requiring persons convicted of violent offences to serve at least 85 percent of their sentences - or for those that can demonstrate that they are moving towards "Truth in Sentencing" by showing that since 1993:

- they have increased the percentage of convicted violent offenders being sent to prison;
- they have increased the average prison terms served by those offenders;
- they have increased the percentage of the sentence served in prison by those violent offenders, and
- they have laws requiring that violent offenders serve at least 85 percent of their sentences if they have one or more prior convictions for violent crimes or serious drug offences.

The other 50 percent of the funds will be made available for violent offender incarceration grants where states must show that they have, or are implementing, laws "designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders".

The U.S. Crime Bill will lead to an explosive increase in the prison population over and above what this country has seen in the past, and the forces behind the trend to get even tougher are very clear, both at the lobby and political levels.

David J. Rothman, in his recent article entitled "The Crime of Punishment", quite appropriately - but without being listened to by decision makers - made the following observation on the provisions of the U.S. Crime Bill, and I quote:

"It takes little imagination to calculate the likely impact of these measures; more minorities will be locked up; the times served will increase, boot camps will channel more people into the prison system, prosecutors will flourish and judges will complain. Ill-informed citizens will think that we are finally getting tough on crime and that by locking up repeat offenders we are making the streets safer. But none of these actions is likely to reduce crime. Despite the popular faith in prisons, rates of imprisonment cannot be closely correlated with rates of crime. The number of people in prisons and jails between 1980 and 1991 doubled and did so at a steady rate. But the overall crime rate followed a very jagged pattern down from 1978 to 1984, then up between 1985 and 1991, then down again in 1992 and 1993. There is no evidence that the staggering number of prisoners serving time for drug offences is having an appreciable impact on drug use or drug-related crime".

These observations lead me to my following remarks on corrections.

INCARCERATION AND PUBLIC SAFETY

You may very well question why I have chosen to focus on corrections. After all, correctional services represent the tail end of the justice system - the component which is "just receiving what the rest of the system produces". I have chosen to focus on the administration of the correctional component for a number of reasons. First, I believe that the way in which the correctional system is being managed has a significant impact on the rate of incarceration; and second, I will argue that the way in which the

correctional system relates to its offenders has a direct and significant bearing on public safety.

My main point, however, is that there is an urgent need for those who work in correctional services to become professional in a true sense - to understand what their profession is. There is a need to define what they are there to accomplish, and, of utmost importance, to determine the strategies which will allow them to accomplish their goals. And I believe that the development of a truly professional approach to corrections will ultimately and inevitably have a dampening impact on the widespread excitement about incarceration as a means of fighting crime.

I have come to this conclusion partly because of the simple observation that an organization cannot claim to be professional without being able to explain wherein its profession consists. From this perspective, corrections is no different from any other profession, except perhaps in one respect, namely that most of those who work in correctional systems appear to be unable to explain what their profession is.

My other reason for thinking it is important for correctional systems to define their profession is more complex. Over the years, I have observed a number of correctional systems, and I have come to the conclusion that in the absence of a systematically developed and well-focused mission, several systems - particularly in countries with a significant growth in the prison population - tend to focus entirely on incarceration. They simply have not understood that incarceration is a correctional strategy and not a correctional objective. The objective of correctional systems is to contribute to public safety: incarceration is simply one of several strategies or methods to reach this objective.

It takes little imagination to see where this wrong-headed focus can lead. Among the most catastrophic consequences is the failure to question the value of incarceration itself as a strategy, the failure to recognize that the process of incarceration is itself a contributor to recidivism.

It has often struck me that this misunderstanding of the objectives and the strategies in many systems is so powerful that the systems almost appear to ignore the compelling evidence of the relationship between the number of incarcerated citizens and the level of crime in a society. Even more troublesome is the observation that one should not underestimate the natural desire to be in a growth business, that a person's sense of power and of self-worth could be enhanced by being in charge of large prison populations. I have noted also that not many administrations argued against the growth in the prison population in the more affluent days when additional prisoners brought with them matching resources to expand the prisons.

It seems to me that this desire for growth and expansion might be redirected, might be replaced by a more rational and productive approach, one which begins by establishing a mission and pursuing its accomplishment with vigour, one which sets out an accountability framework which clearly lets the organization measure its own progress towards the attainment of the true mission of corrections - namely, its contribution to the protection of society.

The focus on incarceration itself as the objective of corrections has led to further consequences - consequences that affect the internal activities of correctional institutions. The tendency has been to focus on and invest in institutional safety and security with a disproportionately low investment in activities aimed at transforming offenders into law-abiding citizens, or at least at giving them the opportunity to choose a crime-free life and thereby a prison-free life. This tendency has been nourished by two of the most disastrous criminal justice philosophies in this century - namely the "nothing works" model, and the "just deserts" model. This is not the place for me to discuss the "just deserts" model, but I will make a few comments on the "nothing works" model.

The first and very simple thought which led me to question the "nothing works" model was that I was unable to comprehend how and why the institutional setting would - or indeed could - prevent normal rules for human interaction from working. In all other aspects of life, private as well as professional, we take it for granted that interaction leads to change, and positively directed interaction leads to improvement. That is the assumption underlying the upbringing of our children, our educational systems, the medical and psychological treatment systems, the apprenticeship idea, the mentoring system, etc. So why would one suddenly suspend that general idea of interaction leading to change just because the interaction takes place in a correctional setting? Recent research also clearly indicates that indeed, positively directed intervention in corrections can and often does lead to reduced recidivism. I think we can safely say that "something works for most".

The importance of all this, of course, is based on two additional assumptions: first, that people can change and that most people are in a constant process of change; and second, that the direction of that process of change can be influenced significantly by what happens in the course of incarceration. It is the second of these assumptions which is most often questioned. Before I explore the "nothing works" assumption a bit further, let me make it clear that, while the "nothing works" model has been primarily attributed to Martinson, I have never been able to find in any of Martinson's writings any statement to the effect that "nothing works". I am led to believe that the expression was introduced by people with a vested political (and possibly economic) interest in this misinterpretation of what Martinson's research actually led him to conclude. As a consequence of this focus on incarceration itself, and the predominant belief in the "nothing works" model, the importance of law-abiding values became less obvious, indeed less important, and the re-incarceration rate continued to grow.

What I am arguing here is that a combination of two sets of wrong-headed strategies are leading several societies into ever-increasing crime, ever-increasing suffering by the victims, ever-increasing loss of human potential among those who are being incarcerated, and ever-increasing diversion of limited funds away from social, educational and health programs (which have the ability to reduce crime) and toward incarceration, which - administered without a focus on long-term law-abiding behaviour - has very little if any positive impact on public safety.

Furthermore, a focus in corrections on incarceration instead of timely safe release will tend to exacerbate the public safety problem by concentrating correctional resources on bricks, mortar and steel, on control devices and guns, and on the training of staff in the use of those measures that will likely yield the lowest return in terms of contributing to the protection of society.

THE NEED FOR A MISSION STATEMENT AND SYSTEM OF VALUES

Another consequence of having the wrong focus in corrections is the absence of a system of values in support of the ultimate objective of corrections, namely law-abiding behaviour. During the years that I spent in corrections, I found it particularly important to impress on my staff and my colleagues the importance of demonstrating through our actions the traditional justice values - fairness, respect for the individual, equity, and law-abiding behaviour.

Often people both inside and outside the system would ask me why I considered it a matter of priority to subject offenders rigorously to the set of values in action which they themselves had ignored in their interaction with others. My reasons are simple: I believe that correctional staff in their interaction with offenders have a unique opportunity to become role models. As a matter of fact, I do not believe that it is possible for human beings to interact without consistently sending messages about right and wrong. From this basic assumption, it takes little effort to reach the conclusion that correctional staff and correctional systems must strive to convey the message that one does not have to resort to criminal values in order to live one's life or to administer one's area of responsibility. The message must be loud and clear that, no matter what the challenge, criminal behaviour is not an option.

But the message can and should be conveyed even more powerfully: it should be understood that not only will we, as representatives of our government, not violate the fundamental rights of offenders, we will ensure that they can enjoy those rights to the fullest extent possible, even during incarceration. We will actually support their right to be treated as human beings. We will actively respect their dignity, and we will guarantee that they will not be the victims of any criminal or inappropriate behaviour on our part. Our message to the offenders should be: "The justice values are important to us and we hope that by the time you return to society as a free citizen, those values will be equally important to you."

The vast majority of offenders, in my view, live by the generally accepted value system in society. Consider, for instance, the very simple fact that theft and betrayal in prison is a serious matter in the eyes of the prisoners themselves, and that many child molesters live in fear of what might happen to them should their fellow inmates find out about the type of crime they have committed. This is why it is so important to ensure that penal institutions are guided by fundamental societal values, and that they are guided by these values to the end. It is at the margin that correctional systems are required to influence the value system of most offenders. The task is not impossible to accomplish. On the other hand, if the gap between the values in action in our pe-

nal institutions and the values in action in society at large becomes too big, prisoners are likely to respond by what I would call "the withdrawal of their consent for us to incarcerate them," and disastrous and tragic events may occur.

It has often been overlooked that incarceration in almost all of our penal institutions can only be administered with the consent - or at least the acceptance - of those who are subject to the incarceration. I have no scientific evidence to present to you, but I would argue that most riots and other major disturbances occur because the gap between the two sets of governing values, those in society and those in the institutions, has widened to a point where the former are not sufficiently reflected in the latter. I would further argue that the widening of this gap has even more serious consequences after the inevitable release of the majority of offenders. If the gap remains, or continues to widen, the lesson learned in prison will be that behaviours which contradict fundamental values in society are, in the final analysis, acceptable to society. I would argue, finally, that permitting an inappropriate administrative sub-culture is more likely to trigger disturbances among the inmates than the development of a criminal sub-culture in the inmate population. This is particularly true if the institutional values permit the guardians to apply illegal or unfair measures as a management tool.

It is important to mention one additional consequence of having failed to develop an appropriate mission statement and a set of supporting values in corrections (a consequence, incidentally, which may be responsible for the absence from the correctional system of powerful voices against the tendency to incarcerate more and more people) The consequence I have in mind is that, to a very significant degree, people in the correctional systems overlook the fact that they are among the principal custodians of two of the most cherished values in most societies: public safety and human freedom.

A number of related issues may have contributed to the situation in which we find ourselves today. First, many if not most of those working on correctional systems seem to be unaware of this extremely important custodial role. It affects them little or not at all in their daily lives, as they go about their administrative chores. Second, and perhaps of greater importance, this custodial role therefore has little influence on the way in which most correctional systems are organized, either practically or philosophically. We have seen very few attempts among correctional officials to focus their attention on issues beyond incarceration or, in a few cases, beyond the public safety aspect (when this is seen as an objective at all).

It appears to me that the smooth, effective and efficient deprivation of other peoples' freedom remains a focus of those who are, in fact, responsible for much more - whether they realize it or not, whether they like it or not.

How can this be? Well, it is not all that difficult to comprehend. Daily life in corrections is not dull. Tension, crisis and unpredictability characterize the day in the life of a correctional official. Attention to what happens right now, right on front of him or her, is what seems to matter - and it does matter. Running outdated or new but inadequate institutions with many more prisoners than they are meant for, under condi-

tions that most people would do anything to avoid, with people who are not exactly grateful for their services, and, on top of all this, being seen as someone who does the dirty work of society, "the pain-inflictors" as Nils Christie probably would call it. This is the work of darkness. All of this does not inspire one to philosophical thinking and bold statements about distant objectives, moral obligations and a systematic contribution to a better life in society, to the public good.

And yet, over the years I have come to the conclusion that without understanding one's place and role in society, without clarity of mission and organizational values, and without a profound understanding of what constitutes a desirable result, one cannot define one's profession. And if the profession itself is not understood, all talk about professionalism remains just talk - words with little meaning.

This observation is obviously not confined to corrections. It applies to any organization and any system which claims that it is professional. One cannot be a professional plumber without knowing what constitutes good plumbing; one cannot be a professional surgeon without knowing what good surgery is; one cannot be a public servant without knowing what good service is; one cannot be a public servant without knowing what the profession of public service is; and one cannot be a professional correctional worker without knowing the profession of corrections.

PUBLIC SPENDING AND THE PUBLIC GOOD

The absence of a well-defined mission does not lead to inactivity. It does not even necessarily lead to inconsistent or uncoordinated activity. The danger of not having a well-directed mission lies in the fact that investments in activities may be supporting results which are not contributing to the public good; they may even be supporting results which are reducing the public good, while those who are producing the results think that they actually are contributing positively.

When I am concerned - indeed critical - of most of what I see in corrections around the world, I am so because I think that most systems have failed to understand and define their proper place and role in society and as a result are failing to contribute to the public good. As a matter of fact, I believe that correctional systems in our time and in most places are among the most significant contributors to directing scarce resources away from their potential contribution to the public good. Misguided or, as is most often the case, unguided corrections seem to be a bottomless pit absorbing exorbitant amounts of scarce resources that could have been directed to support educational, social and other types of useful infrastructures.

A few correctional systems, among them the Canadian federal correctional system, the Scottish prison system, the Swedish and, very recently, the Danish correctional systems, have pursued the line of thinking and administration that I am recommending, and those that have taken their mission and values seriously have been able to demonstrate quite significant results. However, the vast majority of correctional systems either have not pursued the kind of thinking that I have mentioned or have not taken their direction seriously. The consequences are well known. The global prison

population is sky-rocketing to little avail, and at great human, social and financial cost.

While all of this is happening - partly because of the absence of authentic voices from the correctional community - a fundamental rule for public administration is being violated: the rule that public service has no right to spend more money than necessary to meet its objectives. Private organizations can spend their money as they please, and they can waste their money as they please. That is the essence of ownership. In the public service we are spending other people's money, and we have no right to spend where spending is not necessary.

In my view, therefore, the public sector has an obligation to consider the appropriateness of its spending. It should be borne in mind that it is as wasteful to spend money on pursuing an ineffective objective efficiently as it is to pursue an effective objective inefficiently.

THE CHALLENGE FOR THE FUTURE

To get correctional thinking from where it generally is today to where it ought to be will require extraordinary efforts. To bring correctional practice in line with the new correctional paradigm is a process with almost insurmountable obstacles. Nevertheless, it is my view that the task must be carried out if we do not want to see the correctional systems collapse under their own - partly self-generated - weight, leaving a sinister trail of suffering and unmet legitimate societal needs behind them. In getting from here to there, we have no other choice but to start from here.

It is encouraging to know that some work at the international level has commenced, and it is even more encouraging to note that the work has attracted considerable attention among an increasing number of correctional practitioners. I am referring to the work that started out as an international symposium on the future of corrections held in Ottawa in June of 1991.

That conference was inspired by some success in the Correctional Service of Canada, following a new and very different paradigm in its administration. The symposium brought together a small group of individuals representing government agencies, academic institutions, non-government organizations and the private sector. Our purpose was to examine what appear to be the key challenges in emerging issues facing corrections, with a view to collaborating on the development of a strategy that would allow us to assist one another to ensure the best possible performance by corrections in meeting these and future challenges.

The result was the development of an initial draft strategic framework document entitled "Towards Excellence in Corrections" which received strong support and consensus among all participants. The document was further examined at the second international symposium on the future of corrections held in Poland in October of 1993, co-hosted by the Polish Department of Justice and the Correctional Service of Canada. As a result of this symposium, further refinements were made to the document, which is now entitled "Towards Improved Corrections."

Participants at the second symposium strongly endorsed the framework document and have recognized its potential as a framework for international collaboration, cooperation and information sharing. The document is in effect a vision of what is believed to constitute "good corrections" and represents a long-term goal that we must continually work towards achieving. The document outlines what I believe are the fundamental values that underlie - or ought to underlie - corrections, and it sets out a series of principles that should guide correctional officials in their work. This work is still in its very early stages and a daunting task lies ahead if these ideas are going to turn the tide. It needs the support and active involvement of the most powerful forces and the best thinkers in the area of penology.

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