

"Crime, Corrections and The Law in New Mexico"
16th New Mexico Town Hall

BOXES, BODIES AND BUCKS

Keynote Abstract
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I stand before you tonight excited and optimistic, hopeful that our brief time together may serve as a catalyst both to your immediate mission and to the public safety of the State of New Mexico. *My primary purpose here is to propose adoption of a positive universal goal for our correctional process---one fundamental service objective which I hope you will see fit to accept and elect to champion.*

Our modern approach to justice involves countless complex and conflicting factors. For example, America, the Land of the Free, has become the most punitive society in the world, with our corrections industry consisting of over 5,500 boxes, in terms of jails and prisons; 5.1 million bodies, by way of persons under immediate supervision of the courts; and an annual expenditure of over 72 billion tax dollars. So, given the magnitude of the topic, you may wonder how I have come to place such emphasis on a singular issue.

My views have evolved from 30 years of direct involvement in the factors and forces that influence the values and behavior of public offenders, both during and following captivity. But most folks have far better things to do than eat, sleep, and breathe criminal justice, so they operate at the mercy of the media, political scaremongering, and rational expectations of the way they think things ought to be. Their major blind spot is that no aspect of the punishment arena functions on a rational, logical basis!

Efforts to get a grasp of the big picture are further compounded by reams of conflicting statistics, mountains of political rhetoric, centuries of punitive perspective, and all the emotional dissonance the topic of crime gives birth to. So, lacking an objective, holistic view, most people take refuge in a host of off-the-wall anti-crime theories, policies, and practices, which for the most part have no relevance or constructive impact.

But even for someone with a Ph.D. in criminology and 40 years in the business, it is impossible to focus on a bottom line. **WHY?!** *The answer is painfully simple: **there isn't one!** We do not have a system of justice, ladies and gentlemen; only a fragmented array of independent elements which serve their own internally defined needs to survive and expand.* And as you survey each one, you discover a most remarkable and frightening fact. *There is no hint of or concern for a positive, universal purpose. In short, there is an overabundance of "process" which serves to camouflage the fact there is no product!* Therefore I am here to propose the adoption of a general service objective for the American and the New Mexico correctional industry.

Given the complex nature of our topic, it is prudent we begin by making sure we are all operating from the same point of reference. **So let's define who we are and why we are here.** *We are here as social scientists; specifically as "systems analysts," dedicated to enhancing public safety and thus advancing the quality of community life.* Our complicated problem is crime and the search for appropriate responses. And while we cannot find definitive answers to 2,000 years of deviant human behavior in 20 minutes, we **can** increase the depth and clarity of our thinking about this highly perplexing social issue.

There is a profusion of psycho-social forces which stand to retard or distort our efforts. Irrationality, denial, fear, discrimination, hypocrisy, ignorance, and an ancient hunger for vengeance all combine to cloud our vision. *Our task is to transcend these primitive subjective reactions and pursue a goal of social reconciliation, making use of logic, honesty, courage, maturity, experience, and rational dedication.*

This will not be easy! We must, with great determination, open our minds, rise above our subjective biases and focus on the systematic requirements essential to an effective pursuit of justice. So here is the task I set before you at this Town Hall:

To define a positive, universal goal which will simultaneously promote the safety of the community, the effective operation of the criminal justice process, and the legal and ethical conduct of offenders.

I suggest a suitable objective should display the following essential elements:

1. Comprehensible/simple;
2. Practical/achievable;
3. Measurable/can be validated;
4. Positive - relates to direct social and personal benefits;
5. Capable of a broad base of community acceptance and support;
6. Politically (and publicly) palatable/safe;
7. Affordable/fiscally sound;
8. Viewed as real and rewarding to the correctional field, and
9. Acceptable to and supported by offenders/clients.

What goal can hope to fulfill these demanding conditions? "Reducing recidivism," or the absence of recurring crime, is a popular but primitive attempt at a universal goal; yet it fails to meet the standards defined above. It is, above all else, the mere absence of something negative. And it is painfully ironic to consider reduction of recidivism a "success measure" when the correctional experience itself is the most powerful singular contributor to repeat crime in the nation! Please understand that when your scratch anti-social behavior, you find a base of psycho-social alienation. And I give you my word that no social experience in our culture alienates with greater depth and scope than being the prolonged, powerless property of the State.

Again, from a systems perspective, it defies reason to support an obscure objective that neither the correctional practitioner nor their clients understand or will support. For example, criminal justice personnel grow increasingly jaded the more they deal with re-cycling failures. Without a concrete, positive goal that stands to justify and support their daily work load, they blindly defend a process built on the perpetual imbalance of power and control. This, in turn, enhances client alienation at an exponential rate, with offenders, in turn, transporting a long menu of dysfunctions back out to any unsuspecting public.

Next, offenders surely don't give a damn about "reducing recidivism." *Why should a convict, an outcast with the label of "habitual criminal," embrace this nebulous, one-sided goal of his enemies...those who enslave his body and strive daily to possess his mind? What's in it for him? What are the tangible rewards of mere "abstinence" from theft, drugs, larceny, etc.? WHY should he bother??!* Simply "failing to recitivate" doesn't offer solid reasons, from a perspective he can embrace, why it's in his best interest to live a legal, ethical life!

My direct experience suggests that both correctional personnel *and* clients across this nation *must* be able and willing to buy into any proposed universal goal of the correctional process! *Otherwise, they will consciously and non-consciously oppose it.* **This includes, along with the five million people under immediate supervision, all those who have been and are yet to be criminally disenfranchised!** Toward this end, I respectfully suggest that the "common positive objective" of the correctional process as a whole should be formally defined as:

"achievement of five years of arrest-free living."

As you work over the next few days, test this objective to see how well it meets the litmus test of its ability to stand up both as a goal and in terms of its potential benefits. Also take into consideration **what would be the concrete benefits of adopting this goal?** In practice, I believe this goal would result in:

- a. A system-wide focus on the creation of a value-added product;
- b. A common goal for all program provision;
- c. An essential focal point for planning and budgeting;
- d. Enhanced staff cooperation and collaboration;
- e. Infinitely greater odds of offenders' post-release success;
- f. Tremendous financial savings;
- g. Improved confidence in government and in the potential improvement of offenders;

- h. Enhanced staff productivity, morale, and longevity;
- i. Reduced client alienation and improved social reintegration;
- j. Greater quality of life for all!

The State of New Mexico, along with all others, would be well advised to prepare offenders to be functional, well-adjusted human beings during the full duration of their supervision. *It is not reasonable to kick a person out of prison disoriented and enraged, relying on an ill-coordinated, fragmented, inadequately funded, poorly staffed array of community services which have no common mission to act as the glue to hold them together.*

If you want your streets to be safer, it is essential to build *a consistent chain of competent, coordinated program initiatives beginning at the time of adjudication, demonstrating the means and rewards of 60 months of crime-free living. For the probated offender, the five year goal must be addressed throughout the full probated period. For those sent to prison, the same message must be provided upon entry into the state prison system and extending out to five years post-release.*

For state and federal prisoners, I recommend an initial orientation workshop be conducted for all inmates who have a possibility of being released from prison. The workshop should be held at about the second month following arrival at the facility and should serve as an overview of the total correctional experience, from arrest to "success" at five years post-release.

The learning objectives of the initial training would be 1) short-term survival and adaptation, 2) effective use of the incarcerated period, and 3) long-term preparation for reaching the goal of 60 months of arrest-free community living. This orientation into correctional life would serve as the foundation for a series of parallel program tracks which would focus on teaching the life and decision-making skills required to flourish in the mainstream of community life. *Each program track would reinforce the goal of five years arrest-free living and would emphasize the rewards of achieving that goal.*

Post-release or parole supervision should function as a direct support for and continuation of the training and goals established during the period of incarceration. *In this manner, release should be addressed as a "midpoint" in program delivery, with the five year goal being the focus of all client directed activity, both in the institution and in the community.* This would promote much-needed consistency and continuity of policy and procedure, thereby significantly upgrading the potential for offenders' effective transition into the free world and their long-term prospects for crime-free living.

Above all, I guarantee you that the public safety needs of New Mexico cannot be met without the formal identification and unified application of a common, positive objective upon which to build all policies and programs. To this end, **I suggest this "island of common concern" be established as "60 months of arrest-free behavior."** Statistics (even more, practical reality) validate that if an ex-offender remains arrest-free for five years or longer, the probability of future failure is minimal! This does not imply that by remaining arrest-free for five years a person is "rehabilitated," "recovered," or "perfect." Nor can it guarantee the client is crime-free. However, it does tell us they are not active in the cycle of recidivism, they have developed reasonable survival skills and established an "investment" in positive community living.

Without this goal as a universal objective, you can change the color and flavor of the icing, yet it will never impact the true nature and quality of the cake! By embracing this simple common aim, the State of New Mexico can leap 30 years forward by manifesting the elements essential to creating a functional criminal justice system. Find a way to establish the five-year goal, and I promise you that you will have made the greatest single step forward in criminal justice since the first American jail opened in 1789.

I wish you great success as you wrestle with this and other powerful concerns the next few days! Be assured that my thoughts and best wishes are with you. If I can ever be of help to you in any way, do not hesitate to call.

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