

How Far Have We Come? The Gluecks' Recommendations from *500 Delinquent Women*

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IN 1934, SHELDON and Eleanor Glueck published a richly detailed empirical study on women prisoners in Massachusetts entitled *500 Delinquent Women*. It was one of the few published studies on female offenders at the time, and it is considered the “companion volume” to their previous work on men, *500 Criminal Careers* (1930). In the final chapter of the book the researchers proposed a wide-ranging set of crime, justice, and punishment policy recommendations that addressed four fundamental realms—the community, the administration of justice, the reformatory, and parole. Within these areas they put forth evidence-based and well-reasoned arguments for systemic change in the way deviant, marginalized women should be managed by criminal justice authorities. In the article that follows, we demonstrate that some of the need areas of almost 80 years ago persist, while in other ways, the Gluecks' vision was realized.

Community Recommendations

The Gluecks asserted that the community had two significant failures—it did not do enough to prevent delinquency, and it did not coordinate and integrate existing community resources. Calling for a safety net that would identify, redirect, and support delinquents at risk for developing criminal careers, they discussed how the “belated furnishing of medical treatment, education, trade instruction, and wholesome recreational outlets” catalyze “the accident of arrest and conviction” (Glueck & Glueck, 1934, p. 311). Specifically, they recommended the creation of marital/family clinics to address this deficiency. As a key agent of socialization, the family is expected to be a source of nurturance, moral development,

and safety for children. All too often in impoverished communities, healthy family attachments are strained or even absent, resulting in environments of neglect, abuse, and violence. Through their research, the Gluecks came to believe that supporting at-risk families was fundamental to preventing delinquency. Eighty years later, research shows that while there is no single cause of deviant behavior among children, family dysfunction continues to be a common predictor of delinquency (Steinberg, 2000, p. 33).

Exacerbating community shortcomings in supporting distressed families was the lack of integration of existing community resources. The Gluecks rightly noted that cities are equipped with a variety of social agencies to improve community life, but went on to say that “too often each agency does not see its goals and processes as organically related to a larger whole” (Glueck & Glueck, 1934, p. 311). Thus, they recommended establishing “coordinating councils” to harness community resources to “stamp out the breeding spots of delinquency” (Ibid.: 312). Coordinating councils, designed to marshal community resources to promote a synchronized response to a complex social problem, became widespread in the 1990s (Allen, 2005, p. 49). There is evidence that this approach to solving social problems does produce positive outcomes, especially in the area of domestic violence (Javdani & Allen, 2010). One example is Oregon's Family Violence Coordinating Council. It comprises law enforcement, courts, health care, substance abuse, victim advocacy, and child services all working collaboratively to eliminate family violence (<http://web.multco.us/fvcc>).

Administration of Justice Recommendations

Concerned about the overly repressive tactics of police and the corrupt practices of the time, the Gluecks recommended that police departments establish “professionally staffed crime-prevention units that lend the arm of the law to community efforts at curbing the development of delinquent careers” (Glueck & Glueck, 1934, p. 316). The Gluecks regarded police roles as including, in addition to law enforcement role, crime preventive and rehabilitation. They felt that the measures used to evaluate police (number of arrests and convictions) needed to “evolve more fundamental tests of good police work” (Ibid.). Today's School Resource Officer appears to fulfill the Gluecks' vision of law enforcers as agents of prevention. These are specially trained police officers who patrol schools, educate students about crime prevention, and serve as mentors to students. However, more research is needed to determine their effectiveness inside schools. According to an empirical study that examined 28 schools over a three-year period (Theriot, 2009), increased criminalization of students occurred due to arrests for disorderly conduct, a behavior that the study author describes as “subjective, situational, and circumstantial” (Ibid., p. 285); while arrests for assault and weapons-related charges decreased, suggesting a possible deterrent effect through the presence of school resource officers. It is unclear whether these types of partnerships between police and schools prevent crime or begin the process of labeling juveniles as delinquents. The Gluecks surely would have approved of at

least the instructive role that School Resource Officers play.

The Gluecks called for “specialized courts dealing with female offenders,” especially in the area of prostitution. Calling one such court in Chicago a “Morals Court,” they described its purpose in the words of Judge Harry Fisher from the Municipal Court of Chicago: “to avoid waste of judicial power, save time, promote efficiency of administration, and lastly to deal more wisely with offenders and to marshal the social agencies organized for the assistance of such cases” (Ibid., p. 317). The Gluecks saw criminal offending as stemming from a set of circumstances unique to each offender, rather than lending itself to a broad brush of adjudication and punishment. In line with their idea of individualized justice was a type of prison/jail diversion program that they called “treatment tribunals.” Instead of the courts incarcerating offenders with limited criminal identities, the Gluecks proposed that court personnel should do a thorough classification of the offenders’ risks and needs and divert them to “remand stations” where medical (i.e., venereal), educational, and vocational services could be provided, reserving prison beds for those deemed most delinquent. The Gluecks’ description of specialized courts and “treatment tribunals” strongly resembles today’s problem-solving courts. There has been a proliferation of these courts in recent years to address the criminal violations and treatment needs of different categories of offenders, such as the mentally ill, the drug addicted, and those who batter. Numerous studies suggest that these courts are associated with reduced criminal behavior, but Weiner et al. (2010) point to a dearth of critical analysis that rigorously tests the effectiveness of these specialized judicial processes.

Sheldon and Eleanor Glueck deeply believed that offenders could change. Therefore, their support for indeterminate sentences was not only steeped in a moral philosophy about the inherent resilience of human beings but based on empirical observations, citing evidence that women in their study showed substantial improvements on a number of key factors (family relationships, economic responsibilities, etc.) with the passage of time. They acknowledged that not all offenders can be rehabilitated; nonetheless, they called for periodic reviews by “treatment tribunals” to determine the readiness of a prisoner’s release to the community and to avoid arbitrary and unfair release decisions. Indeterminate sentencing began a decline

after the publication of a book by legal scholar and federal judge Marvin Frankel, who described federal sentencing as: “a nonsystem in which every judge is a law unto himself or herself and the sentence a defendant gets depends on the judge he or she gets” (Frankel, 1973, p. 1). Ultimately, in 1984 the Sentencing Reform Act was passed, creating the United States Sentencing Commission to promulgate sentencing guidelines. The guidelines severely reduced judicial discretion in sentencing and abolished federal parole (although still existing in grandfathered cases as well as in a limited category of cases). “Get tough” punishment policies and truth-in-sentencing movements produced a wave of mandatory sentencing and habitual offender initiatives, for example, Three Strikes laws. More recently, however, the pendulum appears to be swinging in the direction of “less tough” sentencing policies but not so far as to revive wholesale the indeterminate sentence. Twenty-one states have active sentencing guidelines that determine or recommend a sentence or sentencing range with the intent of reducing sentencing disparities (National Center for State Courts, 2008). While reducing sentence variances is a worthy goal, overlooked in these specifications are the situational aspects and personal characteristics of the criminal offender that in themselves constitute a social harm (Alschuler, 1991, p. 901). Even though judicial discretion is allowed under the guidelines to address mitigating and aggravating circumstances, Egen et al. (2006) found that 85 percent of sentences fall within the standard range (2006: 121).

The Gluecks asserted that the criminal justice system is not a system at all, but a collection of disjointed, inefficient agencies with competing interests and goals. They went on to say that in many jurisdictions the releasing authority (typically an independent parole board) makes a key decision in the life of the offender without the benefit of fully tracking her treatment progress. They proposed that treatment tribunals, as described earlier, would be best equipped to make release decisions. In this way, the correctional experience could be a continual, integrated, and rational process. According to the 2012 Directory of the American Correctional Association, 13 out of 50 state departments of correction have paroling authority. Such an organizational structure allows correctional agencies to monitor their offenders from the first to the last day of sentence, including community placement. Predictive instruments are routinely used in prison settings for classification purposes; and

correctional programs are designed to prepare the inmate for eventual release. It follows, then, that this consequential decision should be made by the entity that is most familiar with the prisoner. In a national survey of state paroling authorities, 32 (out of 37 reporting) use predictive instruments to inform release decisions (Caplan & Kinney, 2010). It is unknown whether or not the 13 non-reporting authorities use such instruments.

As scientists, the Gluecks valued the idea of predicting behavior. Therefore, they promoted the use of “prognostic devices constructed upon analyzed experience with numerous offenders of different types” (Ibid., p. 324). They saw these tools as a way to match offenders’ changing risks and needs with treatment options from when the offender entered the system up to the time of their eventual release. The use of predictive instruments in criminal justice accelerated in the 1990s, particularly with the treatment and detention of youthful offenders. Since that time researchers have expanded the development of risk assessment tools to include other subgroups of criminals such as sex offenders, female offenders, and violent offenders. Generally, the literature suggests that predictive instruments are only one tool in the overall management of offender risk and needs; and that their optimal use should be tied to specific theoretical constructs to target defined behaviors for more appropriate and effective clinical intervention (Kroner, Mills, & Reddon, 2005).

Concerned about a “sinister partnership of politics and vice” (Ibid., p. 325), the Gluecks favored citizens’ oversight boards to monitor the proper and lawful enforcement of crime, especially commercialized vice. The movement for citizen oversight of police has ebbed and flowed with the times. In the 1920s it was considered a “radical idea.” In the 1950s to 1960s it was highly controversial due to the tensions between police and citizens at the start of the civil rights era. The 1970s saw a revival as political and community leaders demanded more police accountability. Today, it has received widespread acceptance in large urban police departments, although only a small fraction of police agencies nationally have any form of citizen review (Finn, 2001).

Reformatory Recommendations

The structure of the reformatory, according to the Gluecks, hampered its ability to rehabilitate offenders. Therefore, they proposed the building of “cottages,” reminiscent of homes, to replace the impersonal environment that a

large institutional setting begets. Within the cottage system, prisoners amenable to rehabilitation could be separated from those who were perceived to be “irreformable”—the mentally defective, dangerous, or “chronic alcoholics.” Within these cottages experimental treatment approaches could be undertaken, thereby transforming a prison into a more treatment-oriented, evidence-driven establishment. The “cottages” at the Women’s Reformatory in Massachusetts (now known as Massachusetts Correctional Institution—Framingham) still stand but are called “compound units.” Those units and additional living areas constructed over time house groups of offenders similar to what the Gluecks envisioned, but without the experimental protocols. One of the original cottages, called the Townline Unit, is home to the Women’s Recovery Program—a 6-month residential treatment program that addresses substance abuse and addiction. Another unit is the Residential Mental Health Treatment Unit, which focuses on offenders who suffer from serious mental illness but are able to participate in group programming in a meaningful way. Two cottages (Laurel and Pioneer) house NEADS (National Education for Assistant Dog Services) and America’s VetDog. These are programs that teach inmates how to train canines to be service dogs for individuals who are physically disabled. Many prisons today contain program-oriented housing units similar to what the Gluecks endorsed. However, prisoner experimentation does not routinely occur inside the walls of correctional facilities. Experiments on prisoners ended by the mid-1970s as ethical standards evolved to protect this vulnerable population (Hornblum, 1997).

Even more important than the physical structure of the reformatory was its daily regime. Following Reformatory Superintendent Jessie Hodder’s lead to “counteract the routinizing influences of an institution” (Ibid., p. 327), the Gluecks proposed three major changes. The first was to assess the willingness of psychiatric staff to take a “dynamic approach” to the inmate population. By this they meant implementing treatment programs as not only a therapeutic attempt to reform, but also as a way to formally study the etiology of delinquency. Second, they supported the idea of “indenture,” in other words, an apprenticeship-type placement in the community while still serving one’s sentence. This activity would allow prisoners to learn an employable skill while also being able to more fully participate in the community. Finally, the Gluecks supported a

robust prison industries program where every prisoner would be given a work assignment to learn a trade and increase future employability. They recognized the limits of the industries program at the Massachusetts Reformatory in being able to assign full-time work to every incarcerated. Thus, they proposed a half-day schedule to employ all of the prisoners, with the remaining time devoted to education, recreation, and health activities. They concluded their discussion on the Reformatory by stating that without proper personnel—those with “constructive ingenuity, the scientific attitude, and the love of humanity” (Ibid., p. 329), the most helpful regime would accomplish very little. The ideal prison regime described by the Gluecks bears little resemblance to how prisons operate today. Correctional facilities are very much routinized institutions organized around the single most important security procedure—the daily counts. Work assignments in industries programs are limited, waiting lists for program/treatment slots are long, and correction officers, despite their growing professionalism and more rigorous training requirements, have yet to be described as a group of personnel with a “love of humanity.” The field has become increasingly militarized and punitive, focused predominantly on security needs and disturbance control, and to a lesser extent on treatment and rehabilitation.

Parole Recommendations

One of the findings in *500 Delinquent Women* is that parole had a deterrent effect on recurring criminal and/or noncompliant behavior. The revocation rate among the Glueck sample was 20.7 percent, with only 13.8 percent being returned to the Reformatory and the remaining 6.9 percent having absconded (Ibid.: 209). Through the Gluecks’ in-depth analysis of the case histories of 11 women, they were able to contextualize the parole experience and advanced the following recommendation to improve parole supervision: Parole agents should follow family casework practices. Not only does the offender need to prepare for her freedom, but the family that awaits her must adjust to her homecoming. Because parole agents walk a thin line between being helpful supervisors and enforcers of the law, ex-prisoners might not turn to them in times of need or crisis, thus creating the very situation everyone is looking to avoid—criminal relapse. Thus, the Gluecks put forth the idea of creating “out-patient departments of hospitals—places to which ex-offenders could

return at any time for constructive, confidential guidance” (Ibid., p. 331).

The Gluecks’ vision of parole has never materialized. In fact, almost a third of all jurisdictions in the United States have rescinded discretionary parole, and those who have maintained it have increased parole conditions both in number and in punitiveness (Travis & Stacey, 2010). Further, the effectiveness of parole has been called into question. The Bureau of Justice Statistics (2009) reports that more than one-third of all parolees (36 percent) were reincarcerated in 2008. One promising innovation, however, is the emergence of reentry courts. In 2001, the Justice Department funded nine pilot reentry courts to support offenders through the process of reentry. Currently, there are approximately 80 state and federal reentry courts that use “incentives and sanctions with judicial oversight to effectively address the complex challenges of offender reintegration” (McGrath, 2012, p. 114).

Additionally, in 2008 Congress passed the Second Chance Act—legislation designed to provide non-profit and government agencies with federal monies to assist in the reentry of prisoners returning to their communities and families. According to the Council of State Governments Justice Center, this law is a first of its kind and has been described as “a common-sense, evidence-based approach to reducing crime and improving public safety” (Second Chance Act Talking Points, 2008). In many ways the Act addresses each of the community recommendations put forth by the Gluecks, but it was created in response to the mass incarceration policies of the 1980s and 1990s and the reentry crisis that ensued, rather than as a forward-thinking policy of prevention. The Act was reauthorized in 2013 and guarantees funding through 2018 for programs that have demonstrated reductions in recidivism.

Conclusions

Revisiting the work of the Gluecks allows us to assess the gains that have been made in the field of criminal justice as we attempt to hold criminals accountable in a humane and effective way. In the eighty years since these visionaries’ recommendations were proposed, criminal justice policy that reflects their ideals remains a mixed bag. Recommendations such as the creation of specialized courts, the implementation of residential treatment programs inside the walls of prisons, and expanded use of valid predictive instruments

appear to have taken hold, although full integration of community services remains a rarity, and a return to the rehabilitative ideal seems unlikely in the foreseeable future.

The women Sheldon and Eleanor Glueck so empathically and thoroughly studied look very much like the women that have captured the attention of contemporary criminologists. Entrenched in poverty, low-skilled, poorly educated, and beset by obstacles attributable to childhood trauma, the enduring status of marginalized, and therefore criminalized, women says something about society's attitude toward the underclass, that is, to invoke Irwin's (2013) term, "the rabble" is best left to law enforcement to manage.

The Gluecks envisioned a criminal justice system that held individuals accountable in a humanistic manner first because they believed it was the moral thing to do and second because they had faith in the ability of people to change. By looking back in time, we gain the benefit of seeing how far we have come while realizing there is still a long road ahead to create a fair, effective, and efficient system that does more than simply punish offenders.

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