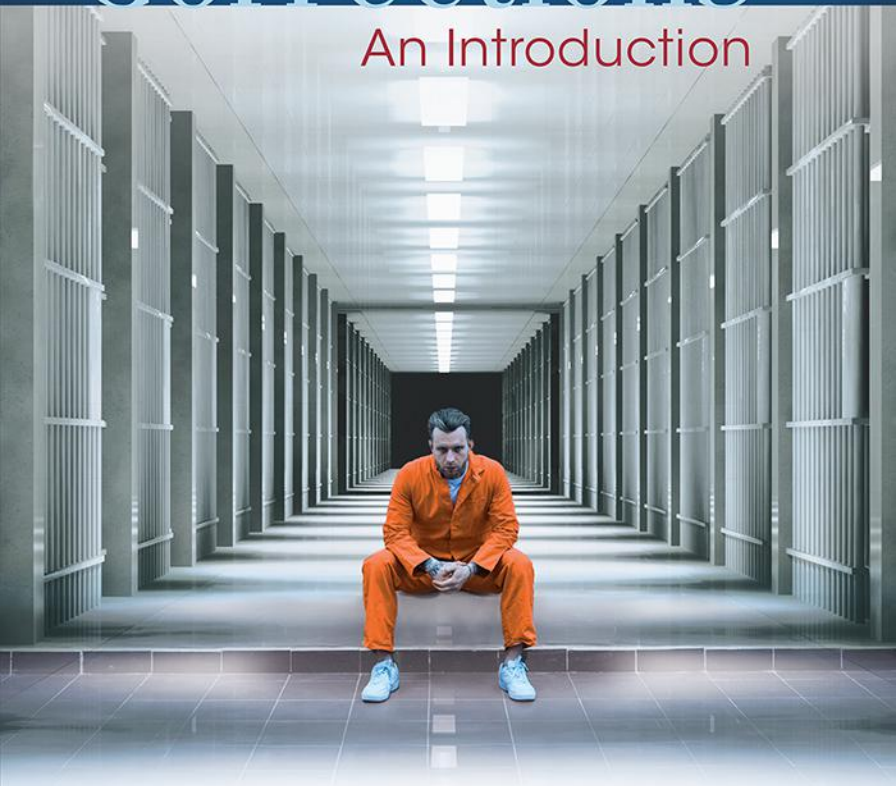


sixth edition

# Corrections

An Introduction



Richard P. Seiter



Sixth Edition

# CORRECTIONS

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## AN INTRODUCTION

Richard P. Seiter



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# PREFACE

As an author, I am very excited about this introductory textbook on corrections. Having spent most of my life working in the correctional field, I have had the opportunity to work in many different situations and with many dedicated people. I am pleased to be able to pass on some of the experiences and information gathered over thirty years to students studying corrections and perhaps considering corrections as a career.

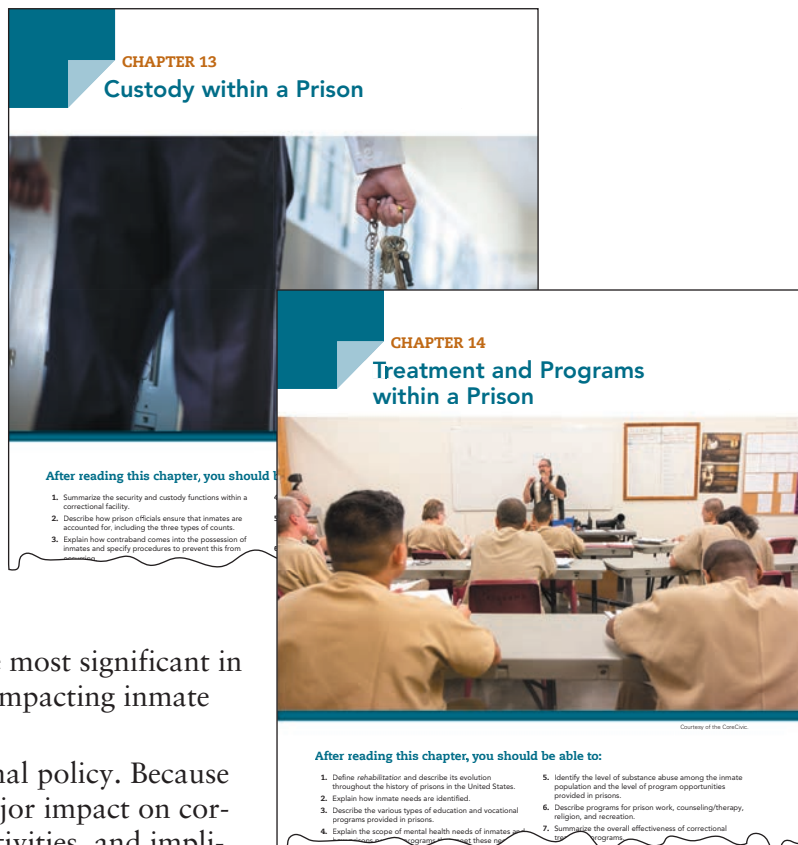
As such, the goal of this textbook is to provide students with a practical understanding of today's operations of corrections. The text includes correctional history and theory; however, the text concentrates on what we do in corrections, why we do it, and what challenges face contemporary correctional staff and administrators. The text also presents case studies, information on careers, and real examples of situations to provide students with an understanding of the practical aspects of working in corrections.

## New to This Edition

### Updated Information

The sixth edition of *Corrections: An Introduction* has been updated to provide faculty and students with state-of-the-art information on the operations of the various elements of corrections and the issues faced by correctional policymakers and practitioners. These updates include the most recent data regarding correctional populations, costs, and new research and findings that impact correctional policy. For example, updates have been made to the following material:

- References to federal court decisions that affect current practices. Although references to court cases have been updated throughout the text, the updates are most significant in Chapter 15 in significant decisions impacting inmate rights and the death penalty.
- The impact of budgets on correctional policy. Because budget issues continue to have a major impact on correctional policy, further updates, activities, and implications have been added.
- Coverage of the challenge of getting and using drugs required in the protocols for administering the death penalty.
- Updated information regarding the continuing problem of jail suicides.
- New information regarding parole effectiveness and inmate reentry.



- Updates on the use of and controversies surrounding supermax prisons and solitary confinement.
- Recent issues and controversies in the operation of private prisons.
- Treatment program effectiveness and their impact on reducing recidivism.

### Coverage of Sentencing Policy Reforms

Over the past few years, there have been several reforms of sentencing policy. This edition contains new material that examines state-by-state incarceration rates and addresses these policy decisions. Included as well are the efforts to reduce costs and the resultant impact on correctional budgets.

### Expanded Coverage of Current and New Topics

In Chapter 4, there is a new section regarding “reforming probation,” and how efforts to improve probation effectiveness and save money serve as a way to reduce violations and sentencing to prison. Chapter 10 includes new issues and information regarding the challenges of recruitment and retention of correctional staff. Chapter 5 includes a new section regarding Federal Prison Industries, a critical work program of the federal prison system. This chapter also describes approaches to prison design by state correctional agencies and trends for state prison populations. Chapter 9 regarding special offenders includes a new section and case study regarding transgender inmates. Chapter 11 has an interesting new case study regarding prison “currency.” Chapter 12 includes new information regarding employment of correctional officers, the stress of their work, and recent development regarding union membership. Chapter 14 has new information regarding a pilot program to test the use of Pell Grants for prisoners. Chapter 16 includes updated information on the state of correctional budgets, changes in prison and jail populations, a new interview with a private prison company CEO, as well as important and timely new sections regarding mass incarceration and solitary confinement.

### Features of This Text

To give students a realistic and practical understanding of modern corrections, this textbook includes several features and approaches that are designed to heighten the learning process and make it interesting for students. Chapters include realistic experiences and insights into the real world of today’s correctional operations. Key features include the following:

#### Practical Focus

Each chapter includes a brief segment on history and theory, but focuses on the actual operations of prisons, community corrections, and jails. Students are able to experience the challenges that correctional workers face and the practical applications they use to meet these challenges.

#### A Look Into . . .

Several chapters include boxed case studies about real issues that have confronted staff members who try to manage today’s correctional populations. These examples provide insight into the world of prisons, jails, and community corrections. Some of these describe how certain people look at their jobs or issues facing

#### A Look Into . . .

##### Prison Reforms through the Twentieth Century



T. Don Hutto is a legend in prison administration and reform from the 1960s through the 1990s. He started as a correctional officer in Texas in 1964, and three years later was the warden of the V/Ramsey Unit, one of the largest Texas prisons. At the age of thirty six, he became director of the Arkansas Department of Corrections, just after the incidents around its operation led to the movie *Brubaker*. Hutto moved to reform both the Ramsey Unit and the Arkansas prison system, ending racial segregation and the use of building tenders (inmates who acted as armed guards over other inmates). He also dealt with reforms needed to move Arkansas from the unconstitutional system it was found to be in *Holt v. Sarver*.

busy redefining our charges as “convicts,” “prisoners,” “inmates,” “offenders,” “detainees,” “residents,” “patients,” and even “students.”

And, oh yes! We were at various times in the business of “reform,” “rehabilitation,” “punishment,” “incarceration,” “treatment,” and of course, “reintegration.”

“Reform” has been a buzzword regarding prisons and corrections for as long as I, and probably any of you, can remember. The *New Oxford American Dictionary* says that reform means to “make changes in order to improve something.” “Reform” is a useful catchword, as, according to someone or some group, just about every societal or cultural institution, needs to be “reformed.” Today, the word “change” is more in vogue but “change” means making something different, not necessarily better. The term “change” is neutral and can be either positive or negative. Transform, on the other hand, means to make a thorough or dramatic change, and the radical changes which have taken place in Southern corrections in the last fifty years suggest that “transformed” is the word

them, and others are a brief interview with someone working in the field described in the chapter.

## Your Career in Corrections

Every chapter includes descriptions of jobs that students may carry out as a specific correctional application. For instance, in a discussion of halfway houses, there is a career box that notes the types of jobs available to staff entering this field, what they do, the requirements of the job, and the possible pay and work conditions they will face.

### Your Career in Corrections

#### Policy Analysts

It may seem odd to start out the "Your Career in Corrections" boxes by describing the job of a policy analyst. Students seldom have heard of this job, and few think about it as a way to begin their career track. However, it is very important to good government that correctional policy be thoughtfully considered with full information regarding cost, effectiveness, and impact. In 2012, American taxpayers contributed over \$90 billion to operate our correctional system, while much of what we do is not based on a thorough analysis of cost and impact.<sup>2</sup> This textbook emphasizes the policy choices that must be made as we reform, modify, and update correctional practices, and policy analysts can play a key role in this process.

A policy analyst who works on correctional issues can work for a variety of agencies. Most state (and some large county) correctional departments have a policy and research unit. Its job is to conduct research and gather

receive grants to conduct correctional research and employ researchers and analysts to examine an issue and write reports as requested by the funding agencies.

There are no reports regarding how many people work in these areas. However, at any one time, easily more than a thousand people are doing the work we have described. Depending on the sophistication of the issue, some will have a doctorate and be experts in research methodology, possibly with some educational emphasis in corrections or criminal justice research. Many others have a master's degree in sociology, criminal justice, business, or public administration and have skills to develop research and policy analysis criteria to be able to provide answers to questions regarding effectiveness or budget impact.

These jobs are not highly visible, yet can have a tremendous impact on the development of sound policy and

## Case Studies

There are several case studies that provide real situations and approaches that help explain and make clearer some of the policy challenges that confront correctional officials, staff, and offenders. These case studies are both timely and interesting descriptions that further make this book practical for the student and instructors that use it.

### You Make the Decision...

#### Rating the Importance of Correctional Goals

No jurisdiction has to formally rate the importance of the five goals of corrections; however, the following exercise asks students to do just that. It can be done individually, but will be more fun and a better learning exercise in a small group.

Your instructions are to consider each of the five goals of sentencing and create a list of the favorable and unfavorable consequences of focusing on each one. For instance, someone might suggest that focusing on punishment can slowly undermine society's emphasis on fair and just treatment. Or, emphasizing incapacitation may result in positively affecting the crime rate, as incapacitated offenders cannot commit crimes in the community. After creating and discussing the consequences

each goal, go about the difficult task of rating the importance of each goal. There are no guidelines as to what "importance" means, and this should be a very individual decision. Does one person believe that the most important purpose of a criminal sanction is to punish an offender, whereas another believes it should first focus on rehabilitation? Each person should create his or her list, and then the group should discuss the lists and come to a group conclusion about the rating of goals by importance to society. The discussions, debates, and even arguments that result from this exercise should be both fun and a valuable learning opportunity.

### You Make the Decision ...

At the end of every chapter, this feature presents real situations that someone working in the field may encounter. For instance, in a discussion of probation, students have to struggle with the decision as whether to revoke a probationer for failing to follow all conditions of supervision or not. The chapter regarding parole presents several scenarios for prisoners appearing before the parole board, and students must make a decision whether to recommend parole or not.

## A Question of Policy

A valuable learning approach of the book is to focus on the policy implications of different theories and perspectives regarding corrections. All chapters address the practical issues of modern correctional policy development, and some chapters include a box entitled "A Question of Policy." By addressing policy, students receive insight into the critical policy challenges that result from today's practice of corrections. This box presents dilemmas that elected officials and correctional administrators face in creating a policy that is most effective and efficient and that contributes significantly to the accomplishment of correctional goals.

#### Quality Assurance of Policy

Two activities used to ensure consistent implementation of prison policies are monitoring policy compliance and ACA accreditation. The method most commonly used to monitor policy compliance by staff is an active auditing program to determine the extent to which policy is effectively carried out and contributes to the mission of the prison. Prisons use a variety of auditing procedures to monitor compliance with operational policies. One of these, a **policy audit**, determines whether broad agency policy is in place at the prison. Policy audits match agency-required policy with local prison implementation procedures to ensure that procedures are in place at each prison to address each agency policy. In most states, the central headquarters dictates broad policy with which each prison in the state must comply. An example of a statewide policy regarding keeping contraband from entering the prison is that "all vehicles, carts, and boxes or packages must be thoroughly inspected before being allowed to enter or exit a prison." Each prison is required to develop and implement operational procedures to affect the required statewide policy. In this example, the prison describes how it will inspect the vehicles, carts, and boxes or packages, including where it will be done, who will do it, and what equipment will be necessary. A policy audit is valuable to begin an overall review of security operations, but only identifies whether the required scope of written, authorized, and mandated policies at the prison exists. It does not determine compliance with implementation consistency in practice, or those of procedures


**policy audit**  
a review to ascertain whether broad agency policy is in place at the prison

## An Interview With...

To provide a variety to perspectives from other key players in the correctional system, a feature entitled “An Interview With...” provides personal accounts of correctional administrators, correctional officers, and inmates. These interviews are very valuable, as they add real and practical insights into the issues and operations of corrections.

### An Interview With ...

#### A Jail Administrator



Herbert L. Bensen Herb Bensen.

Administrators of large urban jails face many serious challenges in trying to manage their facilities. Herbert L. Bensen is Director of the St. Louis County Department of Justice Services (DJS), which oversees the St. Louis County Jail. He has worked for DJS since 1972, and served as a probation/parole officer, superintendent of the maximum and medium security correctional institutions, Intake Manager, and Assistant Director. He became Director in 2009. He is a certified Jail Manager by the American Jail Association, and has a national reputation as a knowledgeable and professional jail administrator.

education and work experience that lends itself to the qualities that are needed in this facility. These include dependability, discipline, and the ability to communicate and work with others. Most importantly, individuals must have good skills in communicating with individuals from a variety of backgrounds, and the ability to not only work under supervision, but also independently, being able to think on their feet and make decisions in line with the mission and philosophy we want to achieve.

**Question:** How do you find people with the abilities to perform well in a jail setting?

**Mr. Bensen:** You have to put the jail out there, in a variety of places where those individuals that are apt to become interested may see or hear about you. You have to do more than just advertise; you have to explain the organization, how it operates professionally, and the critical skills you are looking for. We are looking for more than what the public perceives as a correctional officer, and you emphasize the talent and skill required and the career opportunities that exist. You look at uni-

It is the author's hope that students enjoy this textbook and find it easy to read and study, and that the practical perspectives motivate students to consider a career in corrections. Even if students decide that corrections is not a career opportunity for them, corrections is such an important component in today's criminal justice system that an understanding of how programs operate and how much they cost is important to taxpayers who must support their operation.

## Supplements

The sixth edition of *Corrections: An Introduction* is supported by a complete package of instructor and student resources.

## Instructor Supplements

**Instructor's Manual with Test Bank.** Includes content outlines for classroom discussion, teaching suggestions, and answers to selected end-of-chapter questions from the text. This also contains a Word document version of the test bank.

**TestGen.** This computerized test generation system gives you maximum flexibility in creating and administering tests on paper, electronically, or online. It provides state-of-the-art features for viewing and editing test bank questions, dragging a selected question into a test you are creating, and printing sleek, formatted tests in a variety of layouts. Select test items from test banks included with TestGen for quick test creation, or write your own questions from scratch. TestGen's random generator provides the option to display different text or calculated number values each time questions are used.

**PowerPoint Presentations.** Our presentations are clear and straightforward. Photos, illustrations, charts, and tables from the book are included in the presentations when applicable. To access supplementary materials online, instructors need to request an instructor access code. Go to [www.pearsonhighered.com/irc](http://www.pearsonhighered.com/irc), where you can register for an instructor access code. Within 48 hours after

registering, you will receive a confirming e-mail, including an instructor access code. Once you have received your code, go to the site and log on for full instructions on downloading the materials you wish to use.

## Alternate Versions

**eBooks.** This text is also available in multiple eBook formats. These are an exciting new choice for students looking to save money. As an alternative to purchasing the printed textbook, students can purchase an electronic version of the same content. With an eTextbook, students can search the text, make notes online, print out reading assignments that incorporate lecture notes, and bookmark important passages for later review. For more information, visit your favorite online eBook reseller or visit [www.mypearsonstore.com](http://www.mypearsonstore.com).

## Revel Corrections: An Introduction, 6e by Seiter

### Designed for How You Want to Teach – and How Your Students Want to Learn

*Revel* is an interactive learning environment that engages students and helps them prepare for your class. Reimagining their content, our authors integrate media and assessment throughout the narrative so students can read, explore, and practice, all at the same time. Thanks to this dynamic reading experience, students come to class prepared to discuss, apply, and learn about criminal justice — from you and from each other.

Revel seamlessly combines the full content of Pearson's bestselling criminal justice titles with multimedia learning tools. You assign the topics your students cover. Author Explanatory Videos, application exercises, survey questions, interactive CJ data maps, and short quizzes engage students and enhance their understanding of core topics as they progress through the content. Through its engaging learning experience, Revel helps students better understand course material while preparing them to meaningfully participate in class.

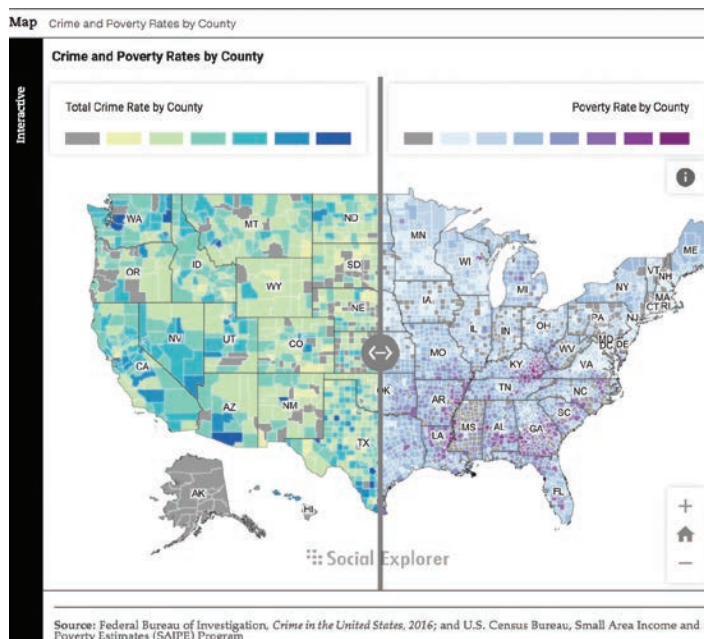
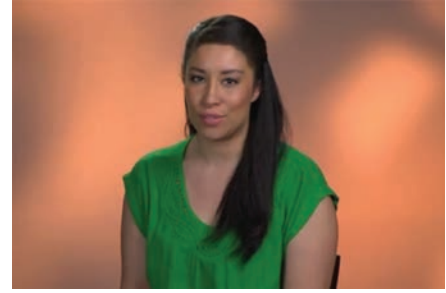


### Author Explanatory Videos

Short 2-3 minute Author Explanatory Videos, embedded in the narrative, provide students with a verbal explanation of an important topic or concept and illuminate the concept with additional examples.

## Point/CounterPoint Videos

Instead of simply reading about criminal justice, students are empowered to think critically about key topics through Point/Counterpoint videos that explore different views on controversial issues such as the effectiveness of the fourth amendment, privacy, search and seizure, Miranda, prisoner rights, death penalty and many other topics.



## New Social Explorer Criminal Justice Data Maps

Social Explorer Maps integrated into the narrative ask students to examine crime and corrections data correlated with socio-economic and other criminal justice data. Maps also show differences in state statutes on major issues such as marijuana legalization, the death penalty, and the distribution of hate organizations across the US.

## New Student Survey Questions

Student Survey Questions appear within the narrative asking students to respond to questions about controversial topics and important concepts. Students then see their response versus the responses of all other students who have answered the question in the form of a bar chart. We provide the instructor with a PowerPoint deck with links to each survey and map, making it easy to pull these items up in class for discussion.

### Survey Criminal Justice and Basic Fairness

Interactive

The American criminal justice system is generally fair and in most cases results in the appropriate handling and adjudication of cases.

☐ Strongly Agree  
☐ Agree  
☐ Neutral  
☐ Disagree  
☐ Strongly Disagree

PREVIOUS PAGE 1 OF 1 SUBMIT

## Track Time-On-Task throughout the Course

The Performance Dashboard allows you to see how much time the class or individual students have spent reading a section or doing an assignment, as well as points earned per assignment. This data helps correlate study time with performance and provides a window into where students may be having difficulty with the material.

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Pearson provides Blackboard Learn™, Canvas™, Brightspace by D2L, and Moodle integration, giving institutions, instructors, and students easy access to Revel. Our Revel integration delivers streamlined access to everything your students need for the course in these learning management system (LMS) environments.

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## ACKNOWLEDGMENTS

Writing and updating a book is a tremendous undertaking that could not be accomplished without the help of many people. I would first like to thank the many correctional colleagues who assisted me by granting me interviews, providing me advice, and giving me information that was used both for the general book information and to make the book come to life for students through their personal stories and situations. It is not easy to recall some memories of unpleasant situations, but through their candor and openness, readers will get a true understanding of what corrections is really like.

I thank the criminal justice and marketing group at Pearson Education. I also thank the following reviewers selected by Pearson whose feedback guided this edition of the book: Samantha Carlo, Miami Dade College; Jessica Noble, Lewis and Clark Community College; Michael Pittaro, American Military University; Melissa Ricketts, Shippensburg University; Kenneth Salmon, Arizona State University; Jennifer Bradford, Metropolitan State University of Denver; Scott Chenault, University of Central Missouri; Cherly Furdge, North Central Texas College; Carly Hilinski-Rosick, Grand Valley State University; Lorraine Samuels, Huston Tillotson University; John Sieminski, Manchester Community College; William Southern, Jr., Carteret Community College; and Quando Stevenson, Athens State University of Alabama. Their comments and suggestions were the foundation of this revision, are incorporated throughout the sixth edition of *Corrections: An Introduction*, and have made it a more informative and useful book for faculty and students of corrections.

I also thank the correctional agencies that were so helpful in giving me the opportunity to take pictures of their programs and facilities. Of greatest assistance was the Ohio Department of Rehabilitation and Corrections. Several individuals helped arrange the taking of photos and cooperated by providing information. The Missouri Department of Corrections was also helpful in providing material and information. The Federal Bureau of Prisons (BOP) provided several pictures for that agency. And staff members at Facility Support Center and many facilities of the CoreCivic were extremely helpful and cooperative. I also appreciate the assistance of the St. Louis County Justice Center and the St. Louis City Jail for allowing pictures to be taken of their facilities.

Finally, I thank my family and friends who encouraged and supported me throughout the process. My wife, Riffi O'Brien, has been an important part of this book development and progress, and I thank her for her love, support, and encouragement. My son, Matt, has been through this process with me before and continues to provide his common sense advice and humor, and his personal work ethic is a constant motivation to me.

I also prepare and dedicate this edition to the memory of my parents, Paul and Rosemary Seiter, who blessed me with a work ethic and encouraged my continued education and learning.

Thanks to all of you. You made the sixth edition of *Corrections: An Introduction* a reality.

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## ABOUT THE AUTHOR



**Richard P. Seiter** is a career correctional professional, having worked in prisons and for correctional agencies for more than thirty years. Following receipt of his PhD in Public Administration from the Ohio State University (OSU), he was a research associate and Assistant Director of the Crime and Delinquency Center at OSU. In 1976, he began a career with the BOP and worked in two federal prisons (the Federal Correctional Institution in Dublin, California, and the U.S. Penitentiary in Leavenworth, Kansas). He was Director of the BOP Staff Training Center in Denver, Colorado, and became the first Chief of the NIC National Academy of Corrections in Boulder, Colorado. He served as warden of two federal prisons (the Federal Prison Camp in

Allenwood, Pennsylvania, and the Federal Correctional Institution in Greenville, Illinois). He also served as both Assistant Director for Industries, Education, and Training and Chief Operating Officer of Federal Prison Industries, with sales of over \$400 million per year of prison-made products.

Seiter was Director of the Ohio Department of Rehabilitation and Correction for almost six years. In this position, he was responsible for all Ohio prisons, the parole board and parole supervision, and many community correctional programs. He managed an annual budget of \$400 million and a staff of 8,000, and he oversaw the construction of more than 10,000 prison beds at a cost of \$500 million.

For five years after retiring from the BOP, he was a faculty member at Saint Louis University (SLU). He received tenure and promotion to Full Professor, as well as serving as Director of Criminal Justice. During this time, he wrote two textbooks, published several articles, and expanded the program and course offerings at SLU.

From 2005 until 2011, he was Executive Vice President of Corrections Corporation of America (now CoreCivic), the largest private prison company in the United States. In this position, Seiter oversaw the operation of the sixth largest prison system in the country, with sixty-three prisons, 17,000 staff members, and 75,000 inmates.

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## CHAPTER 1

# The History of Crime and Corrections



Courtesy of Riffi O'Brien

### After reading this chapter, you should be able to:

1. Summarize the definition, mission, and role of corrections, and explain the concept of the correctional funnel.
2. Outline the growth of corrections over the past three decades and describe why the scope of correctional budgets, staffing, and clients makes it important for students to study corrections.
3. Contrast the Classical School with the Positive School of criminology.
4. Summarize early responses to crime prior to the development of prisons.
5. Outline the development of the prison in the United States, including the Walnut Street Jail, Pennsylvania System, and the Auburn System.
6. Describe prison development from the Reformatory Era to the Modern Era.
7. Summarize sentencing goals and primary punishment philosophies and the involvement of politics in recent correctional policy.

## Introduction

What is corrections, how does it relate to the other components of the criminal justice system, how does it operate, how well does it work, and why should it be studied? This textbook is designed to answer these questions. Although these questions are worded as if “corrections” is a clearly defined and well-bounded activity, this is far from the case. Corrections includes a wide variety of activities, each with a wide variety of emphases and goals; some of the components have direct relationships with other correctional or criminal justice activities, while others operate almost independently. Corrections has been described as a system of fully integrated services and functions, and it has been described as a nonsystem with no coordination or shared mission by any of its components.

Throughout this text, students will learn how government, private, and not-for-profit agencies all contribute to corrections and the correctional process. The text covers history, theories, operations, costs, and effectiveness. It goes beyond providing students a historical perspective, an encyclopedia of terms, and general information regarding corrections. In addition, the text emphasizes practice as well as theory; the challenges to accomplishing the mission of correctional agencies; and the roles of the people who work in, are supervised by, or are affected by the correctional process. The goal of this textbook is to help students understand (1) how various factors throughout the historical development of corrections influenced the basic operating foundations of today, (2) the linkage of theory and practice, (3) how correctional policy is developed and enacted, (4) the manner in which current correctional policy is put into practice by correctional agencies, and (5) the difficulty in carrying out the functions of correctional agencies in a cost-efficient manner.

## Defining Corrections

What is meant by “corrections” and why is the term *corrections* used to refer to the legal punishment of criminal offenders? Does the use of the term *corrections* mean that it is the principal function of the management of criminals after sentencing? In this section, we define *corrections*; address these questions; and look at the historical development of terms, titles, and corresponding philosophies as our current practices evolved from the earliest approaches to punishing criminals. Terminology in any discipline usually comes from the role, mission, and expectations of the activities that are described. For our study of corrections, we examine the use of various terminologies over time, how they relate to the mission of corrections, and how corrections fits into the larger activities of the criminal justice system.

### What Is Corrections?

*Corrections* is an interesting term to use to describe the punishment of offenders for the crimes they have committed. However, *corrections* offers a broader perspective on how agencies deal with criminal offenders. Previously, the term **penology** was used instead of corrections. *Penal* is defined as pertaining to or imposing punishment and is derived from the Latin term *peonalis*, meaning “punishment.” Penology is simply the study of punishment. Until the 1950s, the functions, components, and actions of carrying out criminal sanctions regularly

#### penology

the study of the use of punishment for criminal acts

used the term *penal*, and penal institutions (prisons) and penal systems (organizations to carry out punishment) emphasized the principal function of implementing punishment in the handling of criminal offenders after their sentencing.

However, since the founding of the United States and the creation of the prison as a method for punishment in the late eighteenth century, prisons and other correctional agencies have played a broader role. The Walnut Street Jail, established in 1790 as the first prison designed to house sentenced offenders in the United States, had reformation of the offender as its primary objective. Inmates were expected to read the Bible, reflect on their wrongdoing, and do penance for their crimes. Hence, from penance, the term **penitentiary** was established and used for secure facilities used to hold offenders serving a criminal sentence.

As noted, penology is the study of punishment. However, this term generally included a much broader focus than simply punishment and effectively covered the theories, activities, and operations of carrying out the criminal sentence, whether in a prison or in the community. During the 1950s, the nation's penal system evolved such that the rehabilitation of offenders replaced punishment as its primary objective. This philosophical change affected theory and practice, and the term *penology* was replaced by the term **corrections**. For purposes of this textbook, *corrections* is defined as the range of community and institutional sanctions, treatment programs, and services for managing criminal offenders. As such, corrections includes functions such as the supervision and monitoring of offenders in the community, the secure holding of inmates in prisons, the provision of treatment for problems such as drug addiction or mental illness, and residential and other services provided to inmates as a transition from prison to the community.

In most diagrams of the criminal justice system, corrections is illustrated as the functions for dealing with criminal offenders after a court sentences them. However, the boundaries of corrections have expanded, and corrections now also relates to the detention in jails of offenders charged with crimes, as well as pretrial services such as supervising offenders released on bail. This broader characterization of corrections acknowledges that correctional agencies are often required to deal with offenders who have not yet been found guilty and sentenced to a punishment. This broader definition also makes the establishment of a mission for corrections more difficult and complex.

## The Mission of Corrections

A mission is the statement of what an organization is to accomplish. The mission of corrections has traditionally been to implement court-prescribed sentences for criminal violators or to carry out the sentence of the court. Such a mission statement is rather narrow and indicates a lack of control or initiative by correctional



One of the earliest known bodies of penal codes is the Code of Hammurabi, created during King Hammurabi's reign of Old Babylon, ca. 1780 B.C. The code is best known from this carved stone, now in the Louvre Museum in Paris. Photo by Matthew Seiter.

### penitentiary

the term first used to describe secure facilities used to hold offenders serving a criminal sentence; still used today for some older or highly secure prisons

### corrections

the range of community and institutional sanctions, treatment programs, and services for managing criminal offenders

agencies as to their functions and how they are to carry them out. However, most contemporary correctional administrators recognize a much broader mission and responsibility. The more complete mission of corrections is to protect society, accomplished through a combination of surveillance and control of offenders, of treatment and rehabilitative services, and of incapacitation during the service of a prison sentence.

In practice, correctional agencies fulfill their mission by assisting courts in the decision to grant bail, by providing the courts with information to guide sentencing, by supervising offenders in the community under court jurisdiction, by imprisoning offenders who receive a sentence of incarceration from the courts, and by overseeing inmates' reentry to the community. Society is protected in the short term as correctional agencies either detain offenders in jail or incarcerate them in prison, thus separating them from society and keeping them from further victimizing citizens in the community. The longer-term protection of society results from correctional agencies providing treatment and services to help offenders become less likely or less motivated to return to a life of crime and more likely to become productive and law-abiding citizens.

## Corrections as a Part of the Criminal Justice System

Figure 1.1 is an illustration of the criminal justice system. There are generally thought to be three major components of the criminal justice system: police, courts, and corrections. In the ideal process of criminal justice, the police investigate crimes and arrest suspects, handing over the results of their efforts (investigative information and evidence) to the court system. Prosecutors determine whether a crime has been committed and whether there is probable cause to believe that the suspect has committed the crime. If so, the courts then oversee a determination of guilt for the suspect. If the offender is found guilty, the courts sentence him or her to an appropriate criminal penalty within the state **penal code**, the legislative authorization to provide a specific range of punishment for a specific crime. Once the offender is sentenced, correctional agencies carry out the sentence.

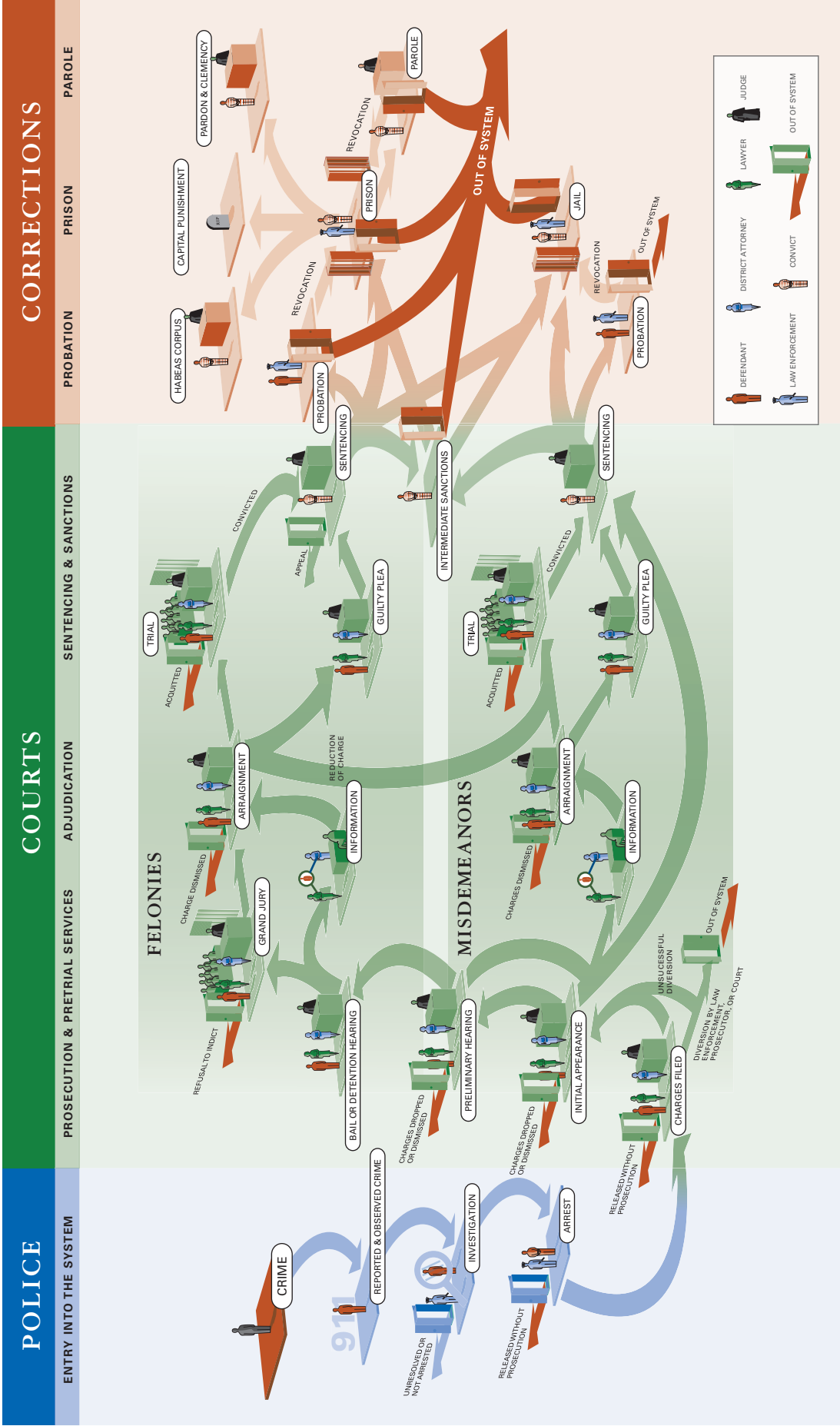
However, where the correctional system begins and ends is not as clear as indicated in Figure 1.1. The figure illustrates probation, prison, parole, residential community placement, and revocation of probation and parole, appropriately depicted as part of the "corrections" section of the criminal justice process. However, supervision during bail, detention in jail, diversion programs, and intermediate sanctions are not included in this diagram as part of corrections. Yet these functions are legitimate components of corrections, especially over the past two decades, as corrections (as well as other criminal justice components) has expanded its activities and functions across traditional lines and boundaries. Today, correctional agencies supervise offenders released during the pretrial process; police assist probation officers in supervising community offenders; and courts maintain jurisdiction and supervise offenders even after their release from prison. All of this makes a simple illustration of the criminal justice system and delineation of the major components almost impossible.

Even within the grouping of activities that is referred to as corrections, there are differences among jurisdictions. No one system of corrections exists across the country. There are three governmental levels of correctional systems: federal, state, and thousands of local (county and city) correctional systems. In each state, the role distinctions between what is done at the state versus the local level are different. Some state correctional systems operate all probation activities, whereas in other states counties carry out probation. Some states have a sentencing structure

### penal code

a legislative authorization to provide a specific range of punishment for a specific crime

# THE CRIMINAL JUSTICE SYSTEM



## FIGURE 1.1 The Criminal Justice System

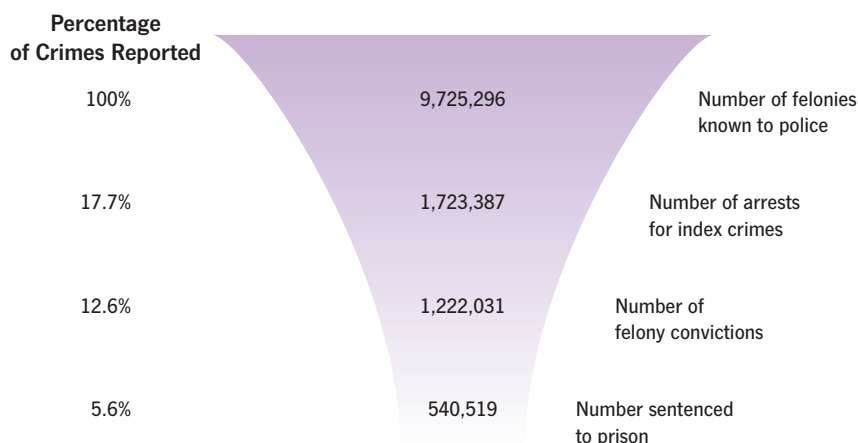
that includes release on parole; others do not. And in some states there are state-wide or regionally operated jails, and in others jails are solely within the domain of the city or county.

## The Correctional Funnel and Correctional Policy

As stated above, the mission of corrections is to protect society by reducing future crimes. As one of the three major components of the criminal justice system, the public considers that corrections, in administering punishment to criminals, prevents future crimes through deterrence and incapacitation, limiting offenders' opportunity to commit further crimes, or reducing their inclination to commit crimes as a result of correctional treatments. The fallacy in this expectation is that the correctional system in reality handles an extremely small percentage of criminals, and an even smaller number is sentenced to prison. The *correctional funnel* (Figure 1.2) is a term used to describe this phenomenon; there is a large numerical difference between the number of crimes reported and the number of offenders convicted and facing a term in prison.

As illustrated in Figure 1.2, of approximately 9.7 million felony crimes known to police in 2010, only 1.7 million individuals (17.7 percent) were arrested, 1.2 million (12.6 percent) were convicted, and about 540,519 (5.6 percent) received a sentence of imprisonment. The remainder of convictions received either or both a short jail term or probation.<sup>1</sup> The public policy issues is that it is often argued that toughening sanctions by lengthening prison sentences will deter offenders, and that keeping them in prison longer will significantly reduce crime. However, the relatively small number of crimes that result in a sentence of imprisonment make it unlikely that even major increases of prison sentences will have a significant impact on crime rates.

The previous few sections included a description of the mission of corrections, a description of the role of corrections within the criminal justice system, and a discussion of the correctional funnel. All of these relate to the outcomes resulting from the development of correctional policy. For discussion purposes in this text, the development of correctional policy is the process that includes considering the mission and role, relevant information, and the best interests of the public (in terms of issues such as safety and cost), and then deciding what broad approaches to take to best meet the goal of protecting society. The correctional funnel is a good example of how, with thoughtful examination, it can be seen that extending sentences significantly may have a deterrent and incapacitative effect on those



**FIGURE 1.2** The Correctional Funnel

Source: Data adapted from *Sourcebook of Criminal Justice Statistics*, available at <http://www.albany.edu/sourcebook> (accessed August 6, 2017). Data included in Tables 3.109.2010, 4.7.2010, 5.44.2006, 5.22.2010, 5.47.2006, and 5.25.2008.

## Your Career in Corrections

### Policy Analysts

It may seem odd to start out the “Your Career in Corrections” boxes by describing the job of a policy analyst. Students seldom have heard of this job, and few think about it as a way to begin their career track. However, it is very important to good government that correctional policy be thoughtfully considered with full information regarding cost, effectiveness, and impact. In 2012, American taxpayers contributed over \$80 billion to operate our correctional system, while much of what we do is not based on a thorough analysis of cost and impact.<sup>2</sup> This textbook emphasizes the policy choices that must be made as we reform, modify, and update correctional practices, and policy analysts can play a key role in this process.

A policy analyst who works on correctional issues can work for a variety of agencies. Most state (and some large county) correctional departments have a policy and research bureau. Its job is to conduct research and gather statistics that can assist the agency in making policy decisions, provide justification for funding, and assist in creating future strategies and directions for the agency. Legislative bodies always employ policy analysts, and some are assigned to criminal justice or correctional committees. They also conduct research on the effectiveness of correctional programs, usually to aid the legislative body in funding decisions. Some nonprofit agencies employ analysts to examine correctional issues. Groups that are interested in issues such as drug treatment, sentencing, or employment issues for offenders conduct studies to assist in their lobbying efforts to urge that certain policies be implemented. Finally, universities or other research groups often

receive grants to conduct correctional research and employ researchers and analysts to examine an issue and write reports as requested by the funding agencies.

There are no reports regarding how many people work in these areas. However, at any one time, easily more than a thousand people are doing the work we have described. Depending on the sophistication of the issue, some will have a doctorate and be experts in research methodology, possibly with some educational emphasis in corrections or criminal justice research. Many others have a master’s degree in sociology, criminal justice, business, or public administration and have skills to develop research and policy analysis criteria to be able to provide answers to questions regarding effectiveness or budget impact.

These jobs are not highly visible, yet can have a tremendous impact on the development of good public policy and save taxpayers millions of dollars. A key criterion for someone desiring to work in this field is to be ethically and professionally grounded. Many of the employing agencies noted above may have an “answer” they are looking for to move forward on a policy they would like to see adopted and only want the analyst to give them evidence to use in their arguments in favor of their preferred policy. However, it is critical for analysts to be above justifying a preferred position, without the true data and information to do so. Research and policy analysis should be unbiased and show the true impact of a program or practice. Truly professional analysts will never short-cut their examination or not cite evidence contrary to their agency’s desired outcome.

in prison. However, since they represent such a small percentage of the overall population that commits crimes, the direct impact on a reduction of crime rates is questionable.

Throughout this textbook, the “A Question of Policy” boxes encourage discussion of some of the difficult policy issues facing public officials and correctional administrators. Staff members who work in corrections to aid in the policy development process are correctional policy analysts. These positions represent interesting and valuable potential jobs for students majoring in criminal justice and corrections. The “Your Career in Corrections” box presents the role of policy analysts.

## Why Study Corrections?

The criminal justice system and corrections are a booming business. The number of clients processed and managed by the criminal justice system is much greater than in the past. The amount of money directed to criminal justice agencies has

expanded exponentially. The availability of jobs for those seeking a profession in the criminal justice system has increased significantly. And the interest in corrections by the general public and elected officials has grown tremendously. Today, few citizens of the United States do not have some understanding and knowledge of the criminal justice system, and almost everyone has an opinion on how the system should operate or be changed. Crime and corrections have gone through a metamorphosis from an almost invisible public function to one that seems to be on the minds of almost all members of society.

The number of clients under the supervision of correctional agencies (on probation, in prison or jail, and on parole) has increased significantly over the past three decades. By the end of the twentieth century, more than 6 million offenders were either in prison, in jail, or under supervision in the community. Table 1.1 illustrates the growth from 1980 until 2015, during which there was a 339 percent increase in the number of offenders on probation, a 396 percent increase in the number of offenders in jail, a 478 percent increase in the number of inmates in prison, and a 395 percent increase in the number of offenders on parole.

While this growth has been very dramatic, there has actually been a moderate reduction over the past few years. Most of this reduction was in the number of incarcerated offenders, as states and local jurisdictions have attempted to reduce the overwhelming cost of supervising offenders. It is much less expensive to supervise clients in the community than in prison or jail. Recent estimates are that the average per day cost to incarcerate a prison inmate is over \$91,<sup>3</sup> and only \$3.42 per day for community supervision.<sup>4</sup>

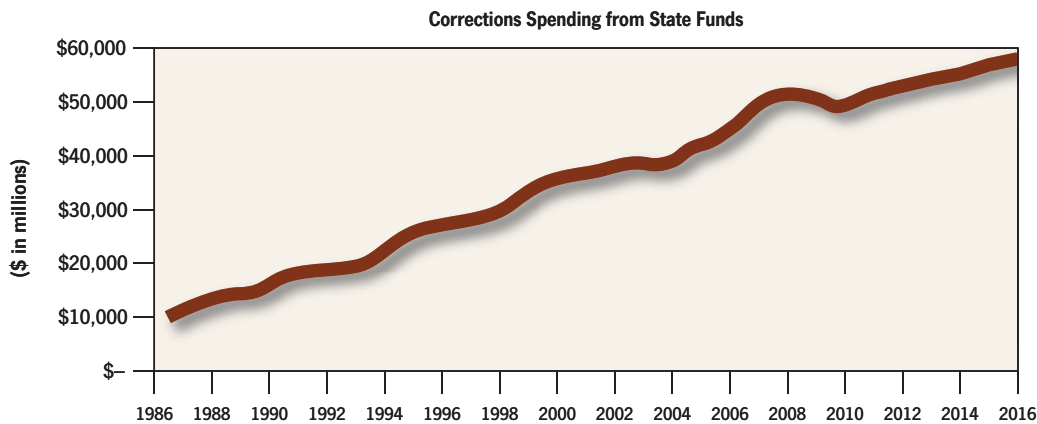
Yet, corrections is still a significant user of public funds, and therefore continues to be a key focus of elected officials and other criminal justice policy makers. Expenditures for state correctional agencies jumped from \$15 billion in 1982 to \$58 billion in 2016<sup>5</sup> (Figure 1.3). In fiscal year 1991, state and federal adult correctional agencies' budgets totaled \$18.1 billion.<sup>6</sup> But by fiscal year 2011, correctional budgets at federal, state, and local jurisdictions was more than \$80 billion.<sup>7</sup>

Over the past two decades, the need has increased for staff to supervise the increasing number of criminal offenders. In 1992, there were 556,500 correctional

**TABLE 1.1** Correctional Populations from Selected Years, 1980–2015

	Probation	Jail	Prison	Parole	Total
1980	1,118,097	183,988	319,598	220,438	1,842,100
1990	2,670,234	405,320	743,382	531,407	4,350,300
2000	3,839,532	621,149	1,316,333	725,527	6,460,000
2005	4,162,495	747,529	1,448,344	784,354	7,051,300
2010	4,055,514	748,728	1,518,104	840,676	7,076,200
2011	3,971,300	735,600	1,505,000	853,900	6,978,500
2012	3,942,800	744,500	1,483,900	851,200	6,937,600
2013	3,912,900	731,200	1,577,000	849,500	6,899,700
2014	3,868,400	744,600	1,562,300	857,700	6,856,900
2015	3,789,800	728,200	1,526,800	870,500	6,741,400

Source: Data from Bureau of Justice Statistics, U.S. Department of Justice, Corrections Facts at a Glance, Selected Years, available at <http://www.bjs.gov/index.cfm?ty=pbse&sid=5> (accessed August 8, 2017) and from Danielle Kaebler and Lauren E. Glaze, "Correctional Populations in the United States, 2015," *BJS Bulletin* (Washington, D.C.: U.S. Department of Justice, 2016, p. 2).



**FIGURE 1.3** Corrections Spending from State Funds, 1986–2016

Source: National Association of State Budget Officers, *State Expenditure Report, 1988–2011*, updated with report of 2014–2016, p. 56, available at [https://higherlogicdownload.s3.amazonaws.com/NASBO/9d2d2db1-c943-4f1b-b750-0fca152d64c2/UploadedImages/SER%20Archive/State%20Expenditure%20Report%20\(Fiscal%202014-2016\)%20-%20S.pdf](https://higherlogicdownload.s3.amazonaws.com/NASBO/9d2d2db1-c943-4f1b-b750-0fca152d64c2/UploadedImages/SER%20Archive/State%20Expenditure%20Report%20(Fiscal%202014-2016)%20-%20S.pdf) (accessed August 3, 2017).

employees throughout the United States.<sup>8</sup> The *Bureau of Justice Statistics, Expenditure and Employment Extracts 2012* reports almost a 35 percent increase since that time, as there were 749,418 correctional staff members working at the federal, state, and local levels in the United States in 2012.<sup>9</sup> Many people unfamiliar with corrections believe that only a few types of jobs are held by correctional staff. They understand what correctional officers and wardens do, and perhaps even a probation or parole officer. However, those are only a few of the types of jobs available to those seeking a career in corrections. There are a wide variety of correctional jobs noted below. It is obvious from this list that the variety of correctional jobs is extensive and offers opportunities for employment for students in many fields of study.

Accountant	Industrial specialist
Budget and financial specialist	Personnel/human resource manager
Caseworker	Probation/parole officer
Chaplain	Psychologist
Computer specialist	Recreation specialist
Correctional officer	Safety manager
Facility maintenance worker	Teacher
Food service worker	Training instructor
Health care professional (physicians, nurses, dentists, pharmacy staff)	

Corrections continues to be of high interest to citizens and elected officials. Much of this interest results from the misperception that crime is increasing and we as a society must figure out how to make citizens safer. In reality, crime has dropped dramatically over the past three decades. The violent crime rate per 100,000 citizens in 1993 was 747.1 and the property crime rate was 4,740.0, whereas in 2015 the violent crime rate was 372.6 and the property crime rate was 2,487.0. This represents a drop in the violent crime rate of about 50 percent and a drop in the property crime rate of nearly 48 percent from 1993 to 2015.<sup>10</sup> However, crime continues to lead on the news, and as a result, when citizens were asked in polls conducted over the past several years whether there is more crime in the United States now than one year ago, they indicated a belief that crime is increasing (see Table 1.2). In fact, a 2016 Gallup Poll indicated that Americans' concern about crime and violence is the highest in fifteen years.<sup>11</sup>

With the public fear and general concern about crime, public officials will continue to legislate or regulate responses to the perceived crime problem. This results

**TABLE 1.2****Attitudes toward the Crime Level in the United States: Selected Years, 1989–2015**

	More (%)	Less (%)	Same (%)	No opinion (%)
2015	70	18	8	
2014	63	21	7	
2013	41	33	21	4
2011	68	17	8	8
2010	66	17	8	9
2009	74	15	6	5
2008	67	15	9	9
2007	71	14	8	6
2006	68	16	8	8
2005	67	21	9	3
2004	53	28	14	5
2003	60	25	11	4
2002	62	21	11	6
2001	41	43	10	6
2000	47	41	7	5
1998	52	5	8	5
1997	64	25	6	5
1996	71	15	8	6
1993	87	4	5	4
1992	89	3	4	4
1990	84	3	7	6
1989	84	5	5	6

Source: The Gallup Organization, *The Gallup Poll* [Online], available at [http://www.gallup.com/poll/186308/americans-say-crime-rising.aspx?g\\_source=position3&g\\_medium=related&g\\_campaign=tiles](http://www.gallup.com/poll/186308/americans-say-crime-rising.aspx?g_source=position3&g_medium=related&g_campaign=tiles) (accessed August 7, 2017). Reprinted With Permission.

**Cesare Beccaria**

an Italian theorist who in the eighteenth century first suggested linking crime causation to punishments and became known as the founder of the Classical School of criminology

**Classical School**

the theory linking crime causation to punishment, based on offenders' free will and hedonism

**Jeremy Bentham**

creator of the hedonistic calculus suggesting that punishments outweigh the pleasure criminals get from committing their crime

in increasing the numbers of police, authorizing more money to be spent by the criminal justice system, and more visibility for criminal justice agencies. As crime and corrections remain on the minds of the public and their elected officials, and there are demands to improve the system and find new ways of operating, those who work in the field will have to create new paradigms to make the system more efficient and enhance the level of support from the citizens whose tax dollars support it. Students studying criminal justice will face this rising interest and increasing expectations as they begin their careers in criminal justice organizations.

## Theories of Crime and Punishment

To begin a study of corrections and its historical development, it is important to understand the evolution of theories of crime and its causes. If the purpose of the punishment is to “correct,” the punishment must adequately match the reasons why the person committed the crime. There has been considerable thinking and speculation regarding crime and the response to it over the years. For the past fifty years, criminology authors have cited the contribution of the French

humanists Montesquieu and Voltaire for encouraging thinking about crime and the then-brutal response to it.<sup>12</sup> This period in the eighteenth century was known as the Age of Enlightenment, and resulted in a move away from feudal ideals, and toward rationalism and equality. However, it was **Cesare Beccaria**, an Italian theorist, who in 1764 first suggested linking crime causation to punishments, as his book *An Essay on Crimes and Punishments* is often credited as the driving force in shaping contemporary thinking about crime and corrections.

Beccaria is known as the founder of the **Classical School** of criminology, the first organized theory of crime causation linked to appropriate punishments. Beccaria suggested that the purpose of punishment is utility, or the prevention of crime. Included in his principles are that crime is an injury to society, that prevention (deterrence of crime) is more important than punishment, that the accused have the right to speedy trials and humane treatment, that there should be no secret accusations or torture, that certainty and swiftness of punishment (more than severity) best deter crime, and that imprisonment should be more widely used as a punishment.

Underlying Beccaria's principles was an emphasis on free will and hedonism. For punishment to deter, individuals must have freedom to choose their actions of committing crime or not. As well, they would judge the impact of the punishment on their own well-being and make a choice regarding the seeking of pleasure and avoidance of pain (hedonism). Building on these principles, **Jeremy Bentham** (1748–1832) created the concept of **hedonistic calculus**, the idea that the main objective of an intelligent man is to achieve the most pleasure and the least pain and that individuals are constantly calculating the pluses and minuses of their potential actions. Bentham therefore theorized that to prevent crime, criminal laws should be organized so that the punishment for any act would outweigh the pleasure that would be derived from the act. Potential offenders would therefore (in line with the Classical School idea of free will) consider the consequences of their actions and be deterred from the commission of crimes.

In reaction to the development of the Classical School emphasizing free will, others began to suggest that not every criminal has complete choice over his or her criminal actions. The **Positive School** was created by **Cesare Lombroso** (1835–1909), with the suggestion that people sometimes commit acts beyond their control. Lombroso, an Italian physician, conducted research into the links between criminality and physical traits. He concluded that criminals had traits that made them throwbacks to earlier stages of evolution: they were not sufficiently developed mentally and had long arms, large amounts of body hair, prominent cheekbones, and large foreheads. This **atavism**, or the existence of features common in the early stages of human evolution, implied that criminals are born, and criminal behavior is *predetermined*.

While several later tests failed to prove Lombroso's theories of atavism, some still support the idea that some factors result in a level of predetermination (not total free will) that influences the chance that someone will commit crimes. Proponents of this approach cite the early works by Dugdale and by Goddard

## hedonistic calculus

the idea that the main objective of an intelligent person is to achieve the most pleasure and the least pain and that individuals are constantly calculating the pluses and minuses of their potential actions

## Positive School

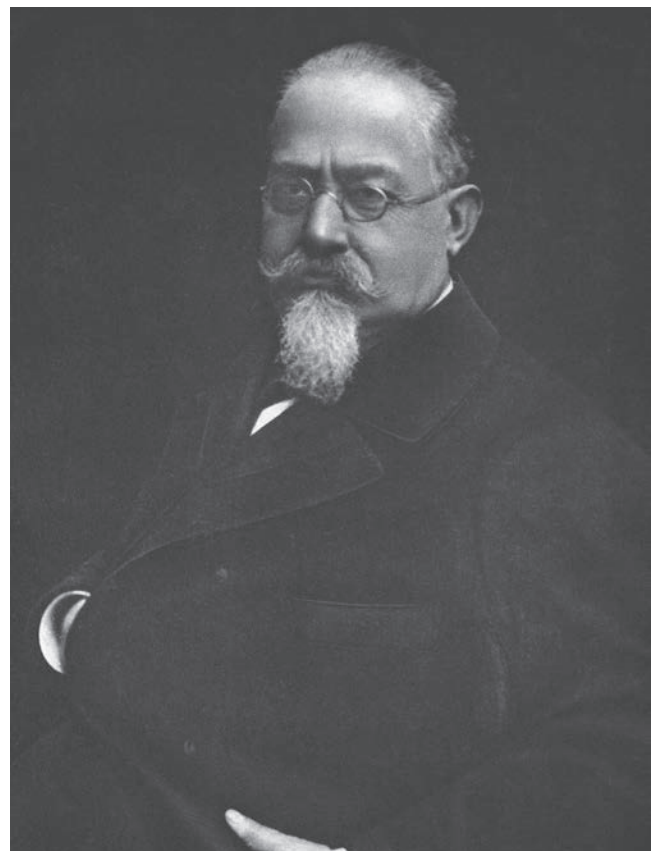
the belief that criminals do not have complete choice over their criminal actions and may commit acts that are beyond their control

## Cesare Lombroso

the Italian physician who in the nineteenth century founded the Positive School

## atavism

the existence of features common in the early stages of human evolution; implied the idea that criminals are born, and criminal behavior is *predetermined*



Cesare Lombroso. Bettmann/Getty Images.

### Neoclassical School

a compromise between Classical and Positive Schools, while holding offenders accountable for their crimes, allowing for some consideration of mitigating and aggravating circumstances

suggesting that there are “criminal families” with a high number of members involved in crime, indicating the possibility of bad genetic influences;<sup>13</sup> the identification by Sheldon of certain body types that are most prone to aggression and violence;<sup>14</sup> or several studies addressing the possibility that chemical imbalances in the body contribute to crime.<sup>15</sup>

Another theory developed somewhat as a compromise to the Classical and Positive Schools is the **Neoclassical School** of criminology. Suggested by Gabriel Tarde in 1890, the Neoclassical School recognized there was much ground between total free will and determinism. Tarde argued that no one has complete free will and is uninfluenced by factors such as gender, age, or social and economic environments, yet everyone is still the “author” of his or her own action.<sup>16</sup> The key factors are that, although the Classical School approach to holding offenders accountable makes sense, there should be some consideration of mitigating and aggravating circumstances on account of the criminal activities of any individual. Some authors suggest that the current “get tough” philosophies and transition to determinate sentences are most illustrative of the Neoclassical School in practice today.<sup>17</sup>

Modern theories seem to include a variety of factors that influence people toward criminal behavior. Several theories address the importance of psychological and social factors in determining criminality.<sup>18</sup> Today, however, policy regarding how to punish criminals most often follows the Classical School, emphasizing free will. It is generally believed that offenders must be held accountable and receive just punishments for their crimes. The underlying concept behind this approach is that offenders choose to commit crimes and that punishments must be dire enough to make them consider the result (in both pleasure and pain) of their criminal behavior.

## Early Responses to Crime

The types of public responses to crime varied based on the beliefs regarding the causes of crime. The earliest responses to crime were extremely brutal and included torture, beatings, branding, and mutilation. These corporal punishments were often an attempt to relate the punishment as closely as possible to the crime. For instance, liars had their tongues ripped out, thieves had fingers or a hand cut off, and adulterers had a scarlet A branded on their foreheads to reduce their attractiveness and discourage any further adultery. For more serious crimes, offenders were killed in a variety of barbaric methods, such as being hanged, drawn, and quartered, or boiled or burned alive. Besides corporal and capital punishment, removing the offender from the group was commonly used. Banishing someone from the tribe into the wilderness not only resulted in no likelihood of a repeat of the offense, but also often resulted in death, because the person could not survive alone in the wilderness. Another way to remove offenders from society was through **transportation** or deportation. Transportation started in England and was used throughout the seventeenth and eighteenth centuries to send undesirables to the colonies in Australia or America.

### transportation

used in England during the seventeenth and eighteenth centuries to remove criminals from society by sending them to British colonies such as America

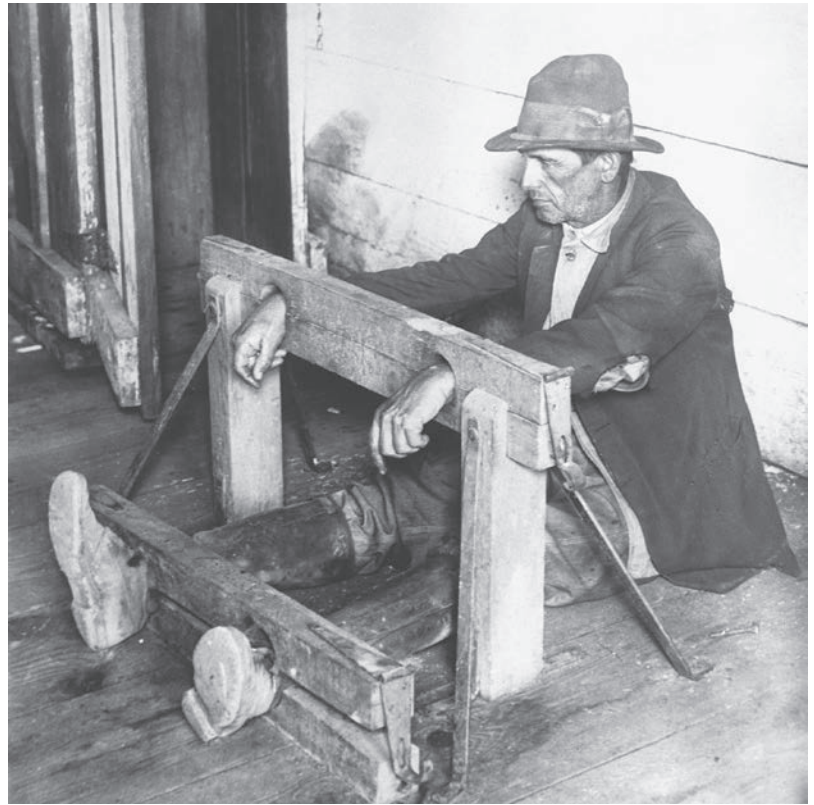
The first response to crime in the American colonies was based on the English criminal codes and incorporated the Puritans’ linking of crime with sin in developing a rigid and strict system of punishments. Violations of expected community behavior were dealt with severely, using corporal and capital punishment carried out in public to deter both individual offenders and the broader community. Whipping at the town center whipping post or placement in stocks and pillories was

common punishment for minor offenses such as drunkenness, slander, or stealing something of minor value. *Pillories* were wooden frames with holes for offenders' hands and head. Offenders had to stand while their hands and head were secured. *Stocks*, similar to pillories, allowed offenders to sit while their hands, head, and feet were all secured in the wooden frame. These punishments were not just for ridicule, as passersby often threw rotten vegetables or even rocks at the offender to aid in the punishment.

Branding was also a popular way to punish offenders; the forehead, face, or hands would be branded, labeling the offender as a certain type of criminal. Adulterers had the letter A carved into their foreheads; thieves had a T carved on their hands; blasphemers were stamped with a B, or perhaps had a hole drilled in their tongues. Torture could also include cutting off a hand or finger of thieves or pickpockets; placing gossips in a *brank*, similar to a birdcage placed over their head with a sharpened shaft with barbs placed in their mouths; or subjecting other minor violators to the *ducking stool*, in which they were lowered underwater until they almost drowned. More serious offenses resulted in brutal torture, such as stretching and breaking the offender's body on the rack, or in capital punishment by hanging or burning at the stake.

In colonial times, prisons were not yet developed as punishment for crimes. American colonists did use jails, copying the English system of *gaols*, for holding defendants awaiting trial or those already convicted and waiting for their corporal or capital punishment to be carried out. These jails had deplorable conditions, in which poor men, women, and children all lived together in filth, with little food or sanitary conditions. Offenders who could afford it could avoid jail via the *fee system*, an early bail system that enabled the rich to pay a fee and be released. The conditions in both English and colonial jails during the 1600s and 1700s were so deplorable that few doubted the need for reform.

The most famous jail reformer was **John Howard**, who was the sheriff of Bedfordshire, England. Howard himself, while on an English ship, was taken captive by a French privateer and subsequently imprisoned. He was later paroled to England, but never forgot the horrendous conditions resulting in the death of several English prisoners. Once he became sheriff, he was responsible for the operation of the jail and was disturbed over the conditions and the fact that some people were there for weeks because they were unable to pay the fee required for release. He encouraged legislation to do away with the fee system and became a reformer, visiting gaols throughout England to observe conditions. In 1777, he wrote *The State of the Prisons in England and Wales*, which educated the public and Parliament to the problem. As a result, Parliament passed the Penitentiary Act in 1779, providing for "secure and sanitary structures, systematic inspections,



Historical punishments were both painful and shameful. Stocks and pillories were used both as physical punishment and to ridicule offenders in front of their fellow townspeople, in hopes that they would end their criminal ways. Bettmann/Getty Images.

### John Howard

the sheriff of Bedfordshire, England, who encouraged reform of English jails in the late 1700s



This replica of a pillory is in St. George, Bermuda. Photo by Richard P. Seiter.

abolition of fees for basic services, and a reformatory regime.”<sup>19</sup> Howard coined the term *penitentiary* to emphasize the purpose of offenders doing penance while reflecting on their sins, rather than simply being punished brutally. These ideas not only had an effect on gaols in England, but also influenced the development of prisons in the United States.

## The Development of the Prison

In the United States, there were considerable dissatisfaction with the brutality and extensive use of corporal and capital punishment to respond to criminal behavior. One reform-minded individual was William Penn, the governor of Pennsylvania. The Quakers, who settled Pennsylvania, were hardworking and economical people. They realized that the criminal codes were both inhumane and inefficient in that judges often did not follow the criminal codes because they did not want to inflict severe punishments on relatively minor offenders. The Quakers had also been the victims of religious persecution, and freedom to choose their way of life was important to them and the reason they came to America and settled the Pennsylvania colony. Under the leadership of Penn, the Quakers replaced the current criminal code with a new one that included the following:

- The abolition of capital punishment for all crimes other than homicide
- The substitution of imprisonment at hard labor for bloody corporal punishments
- The provision of free food and lodging to inmates
- The replacement of the stocks and pillory with houses of detention.<sup>20</sup>

## The Walnut Street Jail

In the late 1700s, Dr. Benjamin Rush (one of the original signers of the Declaration of Independence) became leader of the Philadelphia Society for Alleviating the Miseries of the Public Prisons. He revived the Quaker code, which had been repealed when Penn died in 1718, and the Philadelphia Society established the first prison in the United States in 1790 by converting a wing of the Walnut Street Jail for use in housing sentenced offenders as an alternative to corporal punishment. As in John Howard's concept of the penitentiary, the **Walnut Street Jail** created a regimen of hard work and reflection in order to do penance for criminal offenses.

Inmates were kept in individual cells and were not allowed to talk to other inmates in order to avoid moral contamination among prisoners. Administrators of the jail did not want prisoners to even know the identity of other inmates and often put masks on inmates as they moved through the prison to avoid identification that would detract from the reform of prisoners in case they met each other after release. Prisoners were given work such as making handicrafts in their cells during the day, and were encouraged to read the Bible and do penance in the evenings. The overall operating theme was one of hard labor, strict discipline, solitary and silent confinement, and religious study.

### Walnut Street Jail

the first penitentiary in the United States

## The Pennsylvania System

When the state of Pennsylvania opened its first two prisons (the Western State Penitentiary in Pittsburgh in 1826 and the Eastern State Penitentiary in Cherry Hill just outside Philadelphia in 1829), the Walnut Street Jail served as the model for their design and operation. The Western Penitentiary was an architectural nightmare, built in an octagon with small, dark cells inside the cellblocks to provide solitary confinement and no labor. It was soon modified in 1833 to provide cells on the outside of the blocks to allow light in through windows and increased cell size to allow for inmate labor within the cell. The mistakes of the Western Penitentiary influenced and improved the design of the Eastern Penitentiary, built with seven cellblocks extending from a hub in the center of the prison walls. Each cellblock was long and narrow, with cells on the outside and a corridor down the middle. The cells had a door through the wall into a small recreation yard, in which prisoners had brief exercise periods by themselves each day.

The basis of these two prisons' operation was the same as the Walnut Street Jail: to emphasize the opportunity for prisoners to reform themselves through hard work while reflecting on their crimes. The **Pennsylvania system** was known as the "separate and silent" system, with silence enforced and inmates not allowed to see or talk with each other. It was believed that this approach would not result in offenders becoming morally contaminated and trained in crime by other prisoners.

However, there were several problems with the Pennsylvania system. First, it was almost impossible to keep inmates from seeing and communicating with each other. Second, it was very expensive to operate, as the requirement to keep inmates separate increased the number of staff members needed. Third, there was very limited productivity by inmates, as the requirement to work alone in their cells did not allow for an efficient production of goods for resale as was desired. Fourth, opponents of the operation of the Pennsylvania prisons suggested that the solitude imposed on inmates made many of them mentally ill. As a result of these issues, the prison operations were almost immediately modified. Two inmates were placed in a cell together so one could learn a trade from the other and

### Pennsylvania system

the "separate and silent" system of prison operations emphasizing reformation and avoidance of criminal contamination

This hallway in the Eastern State Penitentiary shows the solid doors that prevented inmates from seeing other inmates as they moved through the hallway. Photo by Richard P. Seiter.



increase the production of goods. As well, the warden of the Eastern Penitentiary, Samuel Wood, used inmates as servants in his home and allowed them to communicate. Therefore, the Pennsylvania system seemed doomed from its beginning and other states that were considering opening prisons as a criminal sanction had to find alternative approaches to overcome the problems. Although there was great interest in the Pennsylvania system, only two states (New Jersey and Rhode Island) fully adopted its “separate and silent” system. Even in those states, the Pennsylvania system was soon abandoned in favor of the improved system that was created in Auburn, New York.

## The Auburn System

New York opened a prison in Auburn in 1817 that was originally designed around the Pennsylvania model. Cells were back to back and stacked five tiers high to make it easier to keep inmates separate. However, this design did not allow for the use of individual recreation yards, as did the Eastern Penitentiary. The Auburn prison originally adopted the “separate and silent” system of Pennsylvania, but soon determined that the problems that plagued Pennsylvania were too serious to overcome. In 1823, a modification of the prison began in order to change its unwieldy design and make it more efficient to operate.

The major change was in the Pennsylvania emphasis on keeping inmates separate. Auburn officials determined that they would continue to keep inmates in separate cells at night; however, they would allow them to congregate during the day to work in factories to improve the production of goods, which would be resold to cover some of the prison operational costs. The **Auburn system** became known as the “congregate and silent” system, as officials continued to reduce the spread of criminal ideas by inmates through silence and strict discipline. Barnes and Teeters describe the enforcement of the system through lockstep

### Auburn system

the congregate and silent operation of prisons, in which inmates were allowed to work together during the day, but had to stay separate and silent at other times

marching with eyes downcast, hard work and activity while outside cells, and prohibitions of inmates even being face to face.<sup>21</sup>

The operation of Auburn prison was soon copied at Sing Sing prison in New York, and many other prisons in other states followed that approach. There was general consensus that the Auburn system was better than the Pennsylvania system. The prisons were cheaper to build and operate, the congregate style allowed production of goods and more income for the state, and fewer inmates developed mental health problems. This approach was not only adopted by other prisons being built across the country, but the use of imprisonment as a criminal sanction also received international attention, and many countries sent representatives to examine the operation of both the Pennsylvania-style and Auburn-style prisons. Interestingly, although the Pennsylvania style of prisons was seldom favored in the United States, most international visitors found advantages in both, and many preferred the Pennsylvania system because of its effort to avoid contamination among prisoners. During the first half of the nineteenth century, most American prisons practiced the Auburn style of silence, hard labor, separation at night, congregation during the day to maximize production of goods, and strict discipline.

## Prisons throughout the Last Two Centuries

During the early 1800s, several large prisons were built and operated on the Auburn model. However, these new prisons were quickly overcrowded, new ones were built, and U.S. prison administrators began to look for ways to improve operations and reduce the growth in the inmate population. Of note were reforms under the leadership of Captain Alexander Maconochie, who in 1840 took over the British penal colony on Norfolk Island, and Sir Walter Crofton, who built on the ideas of Maconochie as head of the Irish penal system. These two men used the concept of indeterminate sentencing, emphasizing preparing offenders for release, giving inmates an opportunity to gradually reduce control and work their way to a less restricted environment, and releasing offenders on a conditional basis when administrators determined that they were prepared to return to the community (the first effort to have conditional release, which led to the development of parole). This operation of the Irish system was seen as more humanitarian, placing



During the Reformatory Era, prisons were often built using gothic style architecture, to remind inmates of their need to reform their ways. Courtesy of Ohio Department of Rehabilitation and Corrections.



Prisons built and operated in the first part of the 1900s were designed to hold large numbers of inmates, in tiers of cells stacked on top of one another. Courtesy of Federal Bureau of Prisons.

### Reformatory Era

an environment emphasizing reformation that expanded education and vocational programs and focused offenders' attention on their future

### Industrial Prison Era

prison operations with emphasis on having inmates work and produce products that could help to make the prisons self-sustaining

### Period of Transition

an era of prison operations in which enforced idleness, lack of professional programs, and excessive size and overcrowding of prisons resulted in an increase in prisoner discontent and prison riots

### hands-off doctrine

an avoidance by the U.S. Supreme Court of judicial intervention in the operations of prisons and the judgment of correctional administrators

an emphasis on training and preparation for release, and was believed to do more to return offenders to the community with a greater chance for success.

In 1870, a group of U.S. prison administrators, politicians, and interested citizens met in Cincinnati and formed the National Prison Association, now known as the American Correctional Association. In their discussions, they formally adopted the principles of the Irish system, emphasizing reformation rather than suffering, rewards for good behavior, and the use of indeterminate sentences to release prisoners when they were best prepared to become industrious free citizens.<sup>22</sup> This action and change in approach resulted in corrections entering the **Reformatory Era**, which lasted from 1870 to 1910. Replacing the Auburn emphasis on punishment and reflection on the past, the Reformatory Era provided expanded education and vocational programs aimed at focusing offenders' attention on their future.

As sensible as the Reformatory Era seemed, tremendous growth in the U.S. prison population forced another change after the turn of the century. During the

first three decades of the twentieth century, the number of inmates in U.S. prisons grew more than 170 percent.<sup>23</sup> This growth was a significant financial burden for the states, and the new prisons were designed to hold large numbers of inmates in harsh work-oriented environments. This allowed an emphasis on inmates working and producing products that could be sold to help make the prisons economically self-supporting. With their free labor, prisons became very successful as businesses, and prison management emphasized production as much as security and rehabilitation, and the volume of prison-made products sold on the open market increased considerably. Thus the **Industrial Prison Era**, from 1910 to 1935, led to the first major interest in the management of prisons by external parties.

The large volume of prison-made products sold on the open market resulted in challenges from organized labor. As the country entered the Great Depression with the crash on Wall Street in 1929, Congress passed two laws to restrict competition from inmate-made goods with the private sector. The Hawes–Cooper Act in 1929 and the Ashurst–Sumners Act in 1935, amended in 1940, severely limited the sale of prison-made products on the open market. These statutes tolled the death knell for industrial prisons, which suddenly had no marketplace for their goods. Thousands of inmates who had previously been working were idled, and prison administrators were stuck with large prisons designed around work. With nothing for these inmates to do, administrators had to find another way to operate prisons.

From 1935 until 1960, corrections was in the **Period of Transition**, as prison administrators tried to find an answer to their dilemma. During this time, enforced idleness, a lack of professional programs, and the excessive size and overcrowding of prisons resulted in an increase in prisoner discontent and prison riots. Between 1950 and 1966, more than 100 riots and major disturbances occurred in U.S. prisons.<sup>24</sup> Prison managers were constrained in what they could do with the large facilities designed to maximize production they had inherited, and they struggled to find alternative approaches to maintain control of large concentrations of idle prisoners. This era was also greatly affected when the U.S. Supreme Court decided *Cooper v. Pate* (1964) and ended its **hands-off doctrine**, which had restricted judicial intervention in the operations of prisons and the judgment of correctional administrators. By accepting inmate-filed cases alleging

cruel and inhumane punishment under the Fourteenth Amendment to the U.S. Constitution, the Court opened Pandora's box, and federal courts were flooded with requests by inmates to improve the conditions in most prisons.

Things had to change, and resulting reforms included the professionalizing of staff through recruitment and training and implementation of many self-improvement programs to take the place of the industrial work programs. This ushered in the **Rehabilitative Era** (1960–1980), and included the early 1960s adoption of the **medical model** as the dominant theory influencing prison and other correctional practices. Under the medical model, offenders were believed to be “sick,” inflicted with problems that caused their criminality; they needed to be diagnosed and treated, and rehabilitative programs would resolve their problems and prepare them for release as “well” into the community, able to be productive and crime-free.

A minor “adjustment” to the medical model was the recognition of the need to strengthen the links between prisons and the community. **Reintegration** was added to the emphasis on rehabilitation. After offenders completed their treatment in prison, they needed transitional care. Reintegration includes the community in the medical model, with recognition that the transition from prisoner to free citizen is difficult. Community correctional programs were expanded, and halfway houses and special parole programs became important elements in the correctional process.

What seemed like the golden age of rehabilitation soon came under attack. In the early 1970s, Robert Martinson and his colleagues completed a review of correctional research to determine “what worked.”<sup>25</sup> In the review of more than 200 studies, the researchers concluded that, although there were a few isolated correlations between a treatment program and a reduction in recidivism, no consistent findings indicated that any single treatment program significantly reduced recidivism. Therefore, the Martinson review was commonly known as, concluding, “**nothing works.**” For public officials looking for a way to reduce costs and make corrections more punitive, this study provided statistical support and was the death knell for the medical model. Rehabilitative programs lost funding, and parole was eliminated in several states.

Throughout the 1980s, the United States saw an increase in crime, especially violent crimes, and crime and corrections became very important to the public and

## Rehabilitative Era

an era of prison management emphasizing the professionalizing of staff through recruitment and training and implementation of many self-improvement programs

## medical model

a theory of corrections that offenders were sick, inflicted with problems that caused their criminality, and needed to be diagnosed and treated, and that rehabilitative programs would resolve offenders' problems and prepare them for release into the community able to be productive and crime-free

## reintegration

a belief that after offenders complete their treatment in prison they need transitional care, and that the community must be involved in their successful return to society

## “nothing works”

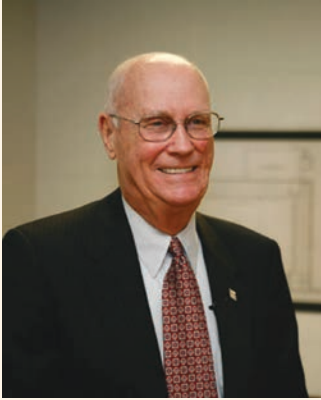
a conclusion by Robert Martinson that no correctional treatment program reduces recidivism; it effectively spelled the end to the medical model



During the Retributive Era, some prisons and jails returned to making inmates wear stripes, a tradition that goes back to the 1800s. Although the argument was for security in case of escape, the real reason was to punish inmates in every way legally allowable. Scott Houston/Alamy Stock Photo.

## A Look Into . . .

### Prison Reforms through the Twentieth Century



Pearson Education.

T. Don Hutto is a legend in prison administration and reform from the 1960s through the 1990s. He started as a correctional officer in Texas in 1964, and three years later was the warden of the Ramsey Unit, one of the largest Texas prisons. At the age of thirty six, he became director of the Arkansas Department of Corrections, just after the incidents around its operation led to the movie *Brubaker*.

Hutto moved to reform both the Ramsey Unit and the Arkansas prison system, ending racial segregation and the use of building tenders (inmates who acted as armed guards over other inmates). He also dealt with reforms needed to move Arkansas from the unconstitutional system it was found to be in *Holt v. Sarver*. The following is a segment of a speech Hutto recently delivered to the North American Wardens and Superintendents Association. Mr. Hutto's comments put into practical perspective the changing beliefs and eras of prison management.

*For as long as they have existed, prisons have reflected (although not always accurately) the culture in which they were spawned. Over a period of time, we have coined the term "corrections" to describe the broad process of carrying out the decisions of the courts in a manner which seems to best serve society's interests.*

*Spanning the generations in our profession, the metamorphosis of terminology has been agonizingly slow, often amusing, and sometimes painful, but the terminology itself has changed far more rapidly than have the actual practices. As too often happens in other endeavors, when we don't know exactly what we ought to be doing or how, we simply change the names. The term "penal," as in "penal system," survived for generations as did its namesake, "penitentiary," which was derived from the word "penitent," based on the vain hope that given enough time and solitude, the offender would somehow see the error of his or her ways (repent, if you will) and be fit to become a law-abiding member of society. In a cultural effort to find an acceptable name for what would preferably be "out of sight and out of mind," we tried "workhouse," "debtors' prison," "prison," "penitentiary," "colony," "camp," "farm," "institution," "center," "facility," and just plain "house." Meanwhile, we were*

*busy redefining our charges as "convicts," "prisoners," "inmates," "offenders," "detainees," "residents," "patients," and even "students."*

*And, oh yes! We were at various times in the business of "reform," "rehabilitation," "punishment," "incarceration," "treatment," and of course, "reintegration." "Reform" has been a buzzword regarding prisons and corrections for as long as I, and probably any of you, can remember. The New Oxford American Dictionary says that reform means to "make changes in order to improve something." "Reform" is a useful catchword, as, according to someone or some group, just about every societal or cultural institution, needs to be "reformed." Today, the word "change" is more in vogue but "change" means making something different, not necessarily better. The term "change" is neutral and can be either positive or negative. Transform, on the other hand, means to make a thorough or dramatic change, and the radical changes which have taken place in Southern corrections in the last fifty years suggest that "transformed" is the word that applies, but for convenience sake, I will talk about "positive change."*

*I mentioned earlier that prisons developed as reflections of the culture in which they existed. Southern prisons certainly fit that pattern. With a few exceptions, the South was an agrarian society, deeply rooted in the plantation and slavery mentality. The large plantation-like prisons which developed in rural areas, particularly in Alabama, Mississippi, Texas, Louisiana, Arkansas and to a lesser extent Oklahoma, Georgia and Virginia, were logical extensions of the prevailing civilization and culture. West Virginia and Kentucky, recognized as border-states during the Civil War, were, in fact more akin to their neighbors, Pennsylvania and Ohio and developed accordingly. The coastal states of North Carolina and South Carolina were influenced heavily by the Piedmont and Appalachian mores and traditions. Florida, with two-thirds of its border being coastline, developed somewhat different traditions. So, when we speak of The South, we are not speaking of one cohesive entity. Nevertheless, it is fair to say that Southern prisons had a tendency to develop along the lines of plantation prisons or roadwork stations known for their "chain" gangs, and these usually widely scattered road station locations were anchored by one or more larger "penitentiaries." Virginia provides an example of a state which developed a combination; road stations, large farms, and a penitentiary.*

*Up until the nineteen seventies, not much changed.<sup>26</sup>*

elected officials. Constant media coverage of violent crime created fear and anger toward the crime issue. Political rhetoric emphasized holding offenders accountable for their acts, and the current **Retributive Era** came into being, emphasizing the need to be tough on criminals while keeping them isolated from law-abiding citizens and making them serve “hard” time. With this model, correctional sanctions are tough, offer few amenities, and emphasize public safety over all else. The Retributive Era is also a return to the Classical School of criminality, in which offenders have free choice to commit their crimes, and a response of lengthening and toughening punishments is believed to deter and prevent crime.

### Retributive Era

an era of corrections that emphasizes holding offenders accountable for their acts and being tough on criminals while keeping them isolated from law-abiding citizens and making them serve “hard” time

## The Sentencing Goals of Corrections

The sentencing goals of corrections are punishment, deterrence, incapacitation, rehabilitation, and restitution. As one might imagine, it is very difficult to attempt these seemingly conflicting goals at the same time. Can corrections punish at the same time as it rehabilitates? Can prisons incapacitate offenders and at the same time try to get them to repay the victim or society for the damage they have done? Even though correctional officials may admit that these conflicting demands create a management challenge, society continues to expect corrections to pursue all five of these goals.

### Punishment

Although different correctional goals have been emphasized in varying degrees over time, the most dominant correctional goal has historically been **punishment**, the infliction of pain or suffering. As a society, we believe that punishment for inappropriate behavior is not only allowable, but also advisable. We use punishment to teach children right from wrong. We believe that punishment helps maintain moral order, with the focus on society rather than on the individual who committed the crime. Criminal offenders are brought to justice by the state, acting for society. Through punishment, society can maintain order and show fairness to those who do not violate the law. Some think of the role of punishment within society as a catharsis, a way for society to feel good about punishing offenders. People need to see that those who demonstrate inappropriate behavior receive their “just deserts,” or what is coming to them.

Punishment for criminal acts is sometimes referred to as **retribution**, which implies the infliction of punishment on those who deserve to be punished. The idea of *lex talionis* (Latin for “law of retribution”) is similar to the biblical adage of “an eye for an eye” and indicates that offenders get the punishment they deserve. The idea of punishment and retribution is primarily focused on the past, in that it is in exchange for the commission of a criminal violation. However, punishment is also closely linked to future-oriented correctional goals, such as deterrence or rehabilitation. Punishment is necessary for deterrence, and the presence of punishment encourages rehabilitation. Punishment is reactive in that it focuses on the act or crime, rather than on the offender’s particular circumstances or needs. Society believes that it is only fair and just that criminal offenders receive punishment for their crimes.

How much and what type of punishment are appropriate in a modern democratic society? It is difficult to determine how much punishment is necessary for the commission of a crime. The U.S. Supreme Court addressed this issue in *Bell v. Wolfish*, when the Court established the “punitive intent standard.”<sup>27</sup> The case

### punishment

the correctional goal emphasizing the infliction of pain or suffering

### retribution

infliction of punishment on those who deserve to be punished

dealt with conditions and practices at a federal jail for short-term offenders in New York City. Inmates alleged that overcrowded conditions and restrictive security procedures were a violation of the Eighth Amendment, which states that “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.” The Court ruled that the case should turn only on whether the practices in question violated detainees’ right to be free from punishment, using a standard of whether the individual restrictions were punitive or merely regulatory restraints; whether the practice is reasonably related to a legitimate goal other than punishment; and whether it appears to be excessive in relation to the alternative purpose.

### test of proportionality

the result of the 1983 case of *Solem v. Helm*; a test used to guide sentencing based on the gravity of the offense and consistency of the severity of punishment

The Court also addressed punishment and created the **test of proportionality** in the 1983 case of *Solem v. Helm*, by declaring that

*a criminal sentence must be proportionate to the crime for which the defendant has been convicted...and be guided by objective criteria, including (i) the gravity of the offense and the harshness of the penalty; (ii) the sentences imposed on other criminals in the same jurisdiction; and (iii) the sentences imposed for commission of the same crime in other jurisdictions...<sup>28</sup>*

## Deterrence

Deterrence is a correctional goal focused on future behavior (or the avoidance of certain actions) by both individuals and society. The expectation is that, as a result of offenders receiving punishment, both they and others will be deterred or discouraged from committing crimes in the future. Jeremy Bentham, in his 1789 concept of hedonistic calculus, argued that if the sanction for committing a crime inflicted a greater amount of pain than the pleasure resulting from the offense, crime would be prevented. When an individual commits a crime and receives a punishment, the punishment is designed to result in **specific deterrence** of that offender from committing further crimes. The idea is that the punishment the offender received created such an unpleasant situation that he or she will not want to experience it again. This certainly seems logical, but requires that offenders receive punishment that is swift, certain, and specifically linked to the criminal act. Unfortunately, justice today often does not end with these results.

### specific deterrence

the effect of punishment on an individual offender that prevents that person from committing future crimes

### general deterrence

the recognition that criminal acts result in punishment, and the effect of that recognition on society that prevents future crimes

Deterrence philosophies are also expected to have an effect on the general society. **General deterrence** presumes that others in society will not commit crimes, because they see that there is a punishment for such acts and that individuals do receive the prescribed punishments. For general deterrence to be effective, the punishment must be visible and the public must believe that if they commit a crime, they will be caught and punished, the punishment will be carried out uniformly, and the benefits of the crime will not outweigh the punishment. This requires logic and rationality. The theory often breaks down, as criminals do not believe they will get caught, think they can get out of trouble with a good lawyer, or do not fear the available punishment enough for it to deter them from the criminal act.

Over the past two decades, legislators have operated under a misconception that if they continue to enhance (increase) penalties for certain crimes, the deterrent effect will expand and commission of these crimes will go down. Public relations campaigns have sought to educate potential criminals regarding the penalties for drug offenses or for using a gun in the commission of a crime. While research has failed to indicate that such penalty modifications have a significant

deterrent effect, those who favor using prison rather than probation and increasing the length of current prison sentences argue that, even if such enhancements do not have a deterrent effect, they maximize the incapacitative effect.

## Incapacitation

**Incapacitation** is reducing offenders' ability or capacity to commit further crimes. Correctional sanctions restrict offenders' opportunity to continue their criminality and, through this restriction, society is protected from potential criminals. Some suggest that incapacitation is reactive in that it is a punishment for past crimes. Others contend, "sentences based primarily on incapacitation are future oriented,"<sup>29</sup> in that they look at the potential for offenders criminal behavior. Others imply that incapacitation is both reactive and proactive. Carlson and colleagues argue, "Like retribution, incapacitation is reactive, and yet, like deterrence, it attempts to predict and influence future behavior."<sup>30</sup>

Blumstein suggests that there are two ways to define and view the correctional goal of incapacitation. "The most narrow is that incapacitation (through a sentence of imprisonment or death) makes it literally impossible for offenders to commit future crimes. In this view, incapacitation serves to [avert crimes] in the general society by isolation of the identified offenders during periods of incarceration."<sup>31</sup> Thus incapacitation is believed to reduce crime by focusing on the offender who is being incapacitated or imprisoned, while the person is under control of the authorities carrying out the punishment. Incapacitation is based on the belief that most criminals commit several crimes over their lifetimes and therefore, during the time of their criminal sanction, crime is being prevented by their reduced opportunity. However, even a person who is in prison or on death row is capable of committing crimes against victims. In prison, inmates commit crimes of assault against other inmates or prison staff. Offenders in prison still use or deal in drugs. However, society is protected, even while those who work or live in prison are still potential victims of crime.

The second way to consider incapacitation is under a broader definition whereby offenders' opportunities to commit further crimes are lessened by the imposition of the criminal sentence. For instance, house arrest using electronic monitoring to ensure that an offender remains at home at prescribed times reduces the opportunity for criminal activity. Whenever an offender serving a sanction while in the community is under the supervision or monitoring of correctional staff, his or her opportunity to commit crime is reduced.

As noted above, incapacitation is based on a belief that most criminals repeat their criminality. Several studies, beginning with Wolfgang and Sellin's classic work on cohort groups in Philadelphia, have shown that most offenders commit more than one crime, and a small group of offenders commit a large percentage of crimes. A review of this work found the following:

*Career criminals, though few in number, account for most crime. Even though chronic repeat offenders (those with five or more arrests by age 18) make up a relatively small proportion of all offenders, they commit a very high proportion of all crimes.... In Wolfgang's Philadelphia study, chronic offenders accounted for 23% of all male offenders in the study, but they had committed 61% of all crimes. Of all crimes by all members of the group studied, chronic offenders committed: 61% of all homicides; 76% of all rapes; 73% of all robberies; and 65% of all aggravated assaults.<sup>32</sup>*

### incapacitation

reducing offenders' ability or capacity to commit further crimes

**selective incapacitation**

incarceration of high-risk offenders for preventative reasons based on what they are expected to do, not what they have already done

These findings led to efforts to identify offenders with the greatest potential of committing a high number of crimes and sentence them to long prison terms, an approach referred to as **selective incapacitation**. During the 1980s, the RAND Corporation, recognizing that prison cells were an expensive and therefore scarce resource, created the concept of selective incapacitation. In this work, Greenwood argued that, in order to maximize the incapacitating result (preventing future crimes) of imprisonment, scarce prison and jail space should be reserved for the most dangerous, violent, and repeat offenders.<sup>33</sup> It had earlier been concluded that if selected offenders who commit repetitive crimes were imprisoned and incapacitated for three or even five years, significantly fewer crimes would have been committed.<sup>34</sup> Therefore, a model of selective incapacitation advocates incarcerating, for preventive reasons, high-risk people for what they are expected to do, not for what they have already done.

Selective incapacitation remains hotly debated and has several critics. Gottfredson and Hirschi have challenged the methodological approach and conclusions of the RAND studies.<sup>35</sup> Others have raised the issue of “false positives” and the fairness of incarcerating for long periods of time those who are wrongly expected to commit future crimes. As Allen, Latessa, and Ponder noted, “The evidence is that we would probably incarcerate numerous noneligible (a ‘false positive’ problem) persons and release to lesser confinement many of those eligible (a ‘false negative’ problem) persons. Whatever benefits might accrue to this sentencing doctrine have thus far eluded corrections.”<sup>36</sup>

**Rehabilitation****rehabilitation**

a programmed effort to alter the attitudes and behaviors of inmates and improve their likelihood of becoming law-abiding citizens

The next goal of corrections is to rehabilitate offenders, that is, return them to society better able to avoid criminality and less likely to commit further crimes. **Rehabilitation** means returning someone to a prior state. It is assumed that this refers to the life of offenders before they began to commit crimes. However, for most offenders, rehabilitation does not take them back, but to a new and better state, one in which they are self-restrained and not motivated to commit crime. The emphasis of rehabilitation is clearly proactive and focused on preventing future crimes. Correctional officials believe this may be their most important function, protecting society in the long term by reducing **recidivism** (a return to crime). However, it is questionable whether the effectiveness of correctional programs should be judged solely by the recidivism rate. No person or program can force offenders to change their behavior or to make good decisions to avoid crime, especially months after they leave the supervision of correctional officials. The situations and environments facing offenders differ from case to case. Even though recidivism may not be the most appropriate measure of the success of rehabilitation programs, it is likely to remain the one most often examined and used.

**recidivism**

the state of relapse that occurs when offenders complete their criminal punishment and then continue to commit crimes

Corrections attempts to rehabilitate offenders in many ways. First, correctional programs are aimed at trying to reduce offenders’ motivation to commit further crimes. Although there are many reasons why people commit crimes, correctional agencies offer psychological counseling to help offenders understand the factors that trigger certain behaviors, anger management and other programs to help offenders recognize dangerous situations in which they may act wrongfully, and sensitivity training to get offenders to understand the impact of their criminal actions on victims and their families. Second, correctional programs try to build competencies in offenders that may help them avoid problems that heighten their likelihood of committing crime. Such programs are designed to help offenders to increase their educational level, develop a vocational skill, or reduce the use of

drugs or alcohol. Finally, correctional programs may simply have a goal of improving offenders' decision-making. Why do offenders choose selling drugs over getting a legitimate job? Why do offenders choose to act out violently rather than avoid confrontation or seek nonviolent resolutions to problems? Or why do offenders steal others' property to try to make an easy buck? Some correctional programs help offenders improve their decision-making skills while considering the values and potential outcomes of their criminal actions.

Although support for rehabilitation has experienced ebbs and flows throughout the history of corrections, public attitudes have consistently favored rehabilitating criminal offenders. A recent public opinion survey indicated that 87 percent of those surveyed favor rehabilitative services for prisoners as opposed to a punishment-only system,<sup>37</sup> and greater than 90 percent of those surveyed rated as "important" that prison inmates receive job training, drug treatment, mental health services, family support, and housing assistance.<sup>38</sup>

## Restitution

The first four goals of corrections are acknowledged by almost every author and in almost every textbook. Less mentioned, but currently gaining in popularity, is the goal of **restitution**, or making right by repaying society or victims for the wrongs created by offenders. This is not a new goal in the way it is carried out. Criminal sentences have historically included fines and victim restitution. And it can be argued that the chain gangs of the early twentieth century were public works programs in which inmates had to build roads or clear trails to improve the public good. During more contemporary times, the principle of *restoration* of the damage resulting from crime has increased in importance, and many more criminal sentences include the opportunity for restitution as the sanctions are carried out.

As society took over responsibility for bringing a criminal to justice and removed victims from the process to avoid their seeking revenge, the pendulum swung too far, and the victim became the forgotten participant in the criminal justice process. After police took victims' statements, victims often did not hear anything else official unless they were required to testify at trial. Victims played

### restitution

acts by which criminals make right or repay society or their victims for their wrongs



Offenders are regularly required to do some type of community service to help pay back society for their crimes. Courtesy of Ohio Department of Rehabilitation and Correction.

**victims' movement**

the criminal justice system's recognition that victims should be involved in the process of sentencing criminals

**restorative justice**

models of sentencing that shift the focus away from punishment of the offender and emphasize involving the victim while holding offenders accountable for the harm they caused and finding opportunities for them to repair the damage

no role in sentencing, few sentences sought to repair the damages they incurred, and they seldom received any progress reports, such as when a criminal would appear before a parole board or was to get out of prison.

Over the past twenty years, a **victims' movement** became popular and the criminal justice system made many adjustments to include victims. Victim assistance programs were created to support victims during the adjudication process and even arranged transportation to the trial if necessary. Sentencing decisions now record and consider victims' statements of their losses. Notifications to victims regarding any change in status in the sentence of a criminal (such as a move from one prison to another) are commonplace. Victims are informed of parole hearings and told how they can provide input if desired. And plans for inmates after release are provided to ensure that the victim sees no conflicts or felt threatened by the proposed release.

All these activities are positive in getting offenders to repay the state or the victim for the damage done by their crimes. However, they still failed to satisfy the needs of most victims, the community, and even the offender. Over the past two decades, an alternative to traditional criminal sentencing, called **restorative justice**, emerged; it more fully implements the overall philosophy of the goal of restitution. Restorative justice models of sentencing shift the focus away from reactive, punishment-oriented sentencing, which has no concern for the victim. These models emphasize involving the victim while holding offenders accountable for the harm they caused and finding opportunities for them to repair the damage. Freeman describes restorative justice as "a process that focuses on the injury resulting from the crime and works to repair the injury by shifting the role of the offender from passive recipient of punishment to active participant in reparation."<sup>39</sup> Meanwhile, public opinion surveys have found that "the process of mediating conflict between crime victims and offenders provides many benefits to the parties involved, the community, and the justice system."<sup>40</sup> As logical as they seem, restorative justice models started with high hope but few have been adopted across the country. However, there is still support for holding offenders responsible for "making right" the harm they have done with their crimes and the importance of involving the victim in the criminal justice process, and restitution is recognized as an important goal of corrections comparable to the other four goals.

The "You Make the Decision" box at the end of the chapter asks you to compare and contrast the five goals of sentencing. Although these goals can all be accomplished in any jurisdiction's penal code and sentencing practices, the exercise makes students think about the relative importance they put on each goal.

## Politics and Policy

Why has the U.S. correctional population and especially the prison population raised so dramatically over the past thirty years, and why may its growth now be slowing down? It is important to examine the impact of politics on the formation of correctional policy. Although citizens would like to believe that policy is developed from painstaking research, analysis of costs and benefits, and weighing of many alternatives, unfortunately that is seldom the case. Especially in regard to issues in which there is emotion and strong sentiment, elected officials more often respond by making decisions that will be seen by the public as the "right thing to do" and that will likely win them votes and reelection.

When it comes to the use of incarceration as a sanction for criminal offending, changes in sentencing and incarceration policies had significantly more

impact than other changes. Blumstein and Beck examined the growth of imprisonment between 1980 and 1996 and concluded that 88 percent was due to changes in policy, including sentencing to prison rather than probation (51 percent) and lengthening time served by offenders (37 percent). Only 12 percent of the growth was the result of changes in the crime rate or the makeup of criminal offenders.<sup>41</sup> Travis, Western, and Redburn examined both the causes and consequences of this major increase in the prison population from 1980 until 2010. Crime rates began falling for most crimes since the early 1980s. They found the growth in incarceration rate (107 percent) during the 1980s was largely driven by taking discretion away from judges through sentencing guidelines, mandatory minimum sentences, and three-strikes laws which forced more people into prison that might have previously received probation. During the 1990s when the incarceration rate increased by another 55 percent, the major driver was the length of sentence or time served, as state legislatures and the U.S. Congress continually increased prison sentences for almost every crime. There was little growth in the prison incarceration rate from 2000 until 2010.<sup>42</sup>

Why have elected officials moved aggressively toward “tough on crime” policies, even where there is little evidence of their effectiveness and with the knowledge that they are extremely expensive in relation to community alternative sanctions? Perhaps the watershed political event regarding politics and criminal justice policy occurred during the 1988 presidential campaign, when the then vice president George Bush successfully used the public’s fear of crime as a campaign tool against his opponent, the then governor of Massachusetts Michael Dukakis. Bush used campaign ads presenting Dukakis as soft on crime for allowing a Massachusetts **furlough** program after Willie Horton, a convicted murderer involved in the furlough program, who committed a heinous rape and murder after absconding from a halfway house in which he had been placed. Even today, you hear candidates for office refer to their efforts to avoid the “Willie Horton” factor of being soft on crime.

As candidates for public office saw the effectiveness of “tough on crime” policies and the dangers of being labeled “soft on crime,” campaign promises to keep dangerous offenders in prison longer became the rallying cry for elections across the country, and tougher sentencing laws and funding for prison construction were passed in almost every state. An example is the California three-strikes law, resulting from a similar public campaign to toughen laws after the 1993 murder of twelve-year-old Polly Klaas by Richard Allen Davis, who was on parole after serving only eight years of a sixteen-year sentence for kidnapping. Another example is the nation’s war on drugs, in which former president Ronald Reagan pushed through legislation to toughen drug laws, allocate more resources to investigating and prosecuting drug laws, and require mandatory prison terms for federal drug offenders. The dramatic increase in the federal prison population resulted primarily from these policies, to the point that almost two-thirds of the federal prison population were drug offenders.

Unfortunately, once political rhetoric forces correctional policy to move in this direction, it is difficult to change directions and turn back the clock. Increasing costs of correctional budgets usually take money from other public services, such as education, social service programs, and improvement of deteriorating infrastructures. As an example, the National Conference of State Legislatures reported that state spending on higher education experienced the highest reduction in its history during the 1990s, during which state correctional spending had its fastest growth.<sup>43</sup> Addressing this dilemma, Irwin and Austin argue that society must turn away from the excessive use of prisons, which is diverting money from education, child care, mental health, and medical services, all of which have a greater impact on reducing crime than does building more prisons.<sup>44</sup>

### furlough

a program in which prison inmates are allowed to leave the prison early to reside in a halfway house and prepare for reentry to the community

## An Interview With . . .

### An Elected Official, Governor Mike DeWine



Courtesy of Mike DeWine.

Correctional policy has become very visible, and public interest and involvement in the creation of correctional policy are much higher than in the past. Elected officials, therefore, become actively involved in the formulation of correctional policy. One elected official who is very knowledgeable and involved in corrections is Mike DeWine, former U.S. senator, Ohio Attorney General, and now Governor of Ohio. In his more than forty years of public service, Mr. DeWine has worked at all levels of government. He has been a county prosecuting attorney, an Ohio state senator, a four-term U.S. congressman, and Ohio's fifty-ninth lieutenant governor. As lieutenant governor, he oversaw the operations of all of the state criminal justice departments, including the adult corrections and youth services departments. He served as a U.S. senator from 1995 to 2007. He became Ohio Attorney General in 2011, and was elected Governor in November 2018. Governor DeWine was very gracious in sharing his time to be interviewed regarding corrections and public policy.

**Question:** Governor DeWine, do elected officials care or show much interest in correctional policies?

**Governor DeWine:** As an elected official who has been closely involved in the criminal justice system throughout my public life, I am very concerned about correctional operations, public opinion, and protection of society. Politicians listen closely to public attitude and opinion regarding corrections and criminal justice. Public opinion is an element in shaping policy, since elected officials have a responsibility to address the concerns of those we serve. Everyone has an opinion, cares about, and wants more information about corrections. Crime is one of the most important issues to the public.

**Question:** What is most important to the public regarding correctional policy?

**Governor DeWine:** There are several things. First, the public has an interest in whether prisons have too many amenities and therefore do not really punish or correct offenders. It is clear that the vast majority of the public thinks that prisoners are treated too well. Correctional officials must be proactive and illustrate to the public the many good things going on in prisons that contribute to public safety, benefit the community, and can even improve the chance of offenders returning to society as productive and law-abiding citizens. A good example is the use of community service. In Ohio, we reach out to the communities to identify needs that can be met with prison labor. The state department of corrections provides over a million hours of community service work to local communities per year. The prison staff go to the local community and ask, "What can we do for you? Are there bookcases we can build? Are there teaching tools or kits that you need but cannot afford to have made?" These programs matter, they make a difference, they are good justice, and they are win-win situations for everyone. They keep prisoners occupied and busy, and inmates are able to give something back to the community. This changes the public perception of prisoners sitting in a comfortable place, watching television, eating three meals a day, and living off the taxpayers.

Something else important to the public and elected officials is to have a focus on victims of crime. When I started as a prosecuting attorney, victims of crime were literally the forgotten people in the criminal justice system. It was the State of Ohio versus Defendant. The victim was not even mentioned in the title of the case. We need to involve victims at every step of the criminal justice process. Victims need to be informed and active participants at the sentencing hearing as well as during the parole or release decision process. We also find ways to give something back to victims and require offenders to be accountable for their actions and the pain and loss they have caused. The public expects offenders to give something back to society.

**Question:** What do elected officials think of rehabilitative correctional programs?

**Governor DeWine:** Knowing that virtually every offender will be released from prison and living among us, it makes sense to give offenders the tools to make a legitimate living and give them the opportunity to deal with some of the underlying problems that may have contributed to their involvement in crime. The public knows that such programs will not be successful with everyone, but no one supports not doing anything to let inmates improve themselves and prepare for release. It is estimated that up to 80 percent of offenders have a substance abuse problem, and we need to somehow deal with this while they are under correctional supervision.

**Question:** What would you advise correctional officials regarding understanding and responding to the matters that the public wants regarding correctional operations?

**Governor DeWine:** First, correctional officials must make an effort to reach out to the public, educate them about how prisons are run, and involve them as much as possible in the

correctional process. I do not believe that public opinion and professional correctional judgment are adversarial in regards to correctional policy. I suggest that correctional professionals be more proactive regarding public sentiment when establishing correctional policy. Being consistent with and sensitive to issues that are red flags for the public can go a long way in gaining support from elected officials and their constituencies.<sup>45</sup>

Yet, this has resulted in the implementation of sentencing guidelines, determinate sentencing to replace the use of parole boards, and mandatory sentencing, reducing discretion by judges and correctional professionals, and resulting in an inability to distinguish among offenders by their risk and chance for successful rehabilitation. As Petersilia writes, “One of the most distinguishing characteristics of U.S. crime policy since the 1980s has been the gradual chipping away on individualized decision making and its replacement with one-size-fits-all laws and policies.”<sup>46</sup>

One interesting thing in the linkage of politics and correctional policy is that the public is not nearly as strongly in favor of **“tough on crime”** policies as elected officials believe. Public attitudes are becoming less punitive in their belief about the most effective way to handle criminal offenders than in the past. In 1994, only 48 percent of Americans favored addressing the causes of crime and 42 percent preferred the punitive approach. But by 2002, a public opinion poll conducted by Hart and Associates found the public favored addressing the root causes of crime over strict sentencing, by 65 percent to 32 percent. Only 28 percent of Americans surveyed believed that the most effective way to reduce crime is to keep offenders off the street as long as possible. Nearly two-thirds of those surveyed believed that the most effective way to reduce crime is to rehabilitate prisoners by requiring education and job training.<sup>47</sup> And in 2009, a poll by the National Council on Crime and Delinquency found that a strong majority of the U.S. public favored alternatives to incarceration for nonviolent and nonserious offenders.<sup>48</sup>

Americans have also expressed concern with the punitive approach taken by the war on drugs. In the Hart survey, respondents recognized drug abuse as a medical problem, and 63 percent favored handling it primarily through counseling and treatment, whereas only 31 percent believed that it is a serious crime that should be handled mainly by the courts and prison system. Respondents also expressed concern with the overreach of three-strikes laws; 56 percent favored elimination of these policies and other mandatory sentencing laws, and giving judges more discretion to choose the appropriate sentence. In general, only 35 percent supported the direction of the nation’s crime approach, and 54 percent believed we are on the wrong track.<sup>49</sup>

In general, the public wants to be protected, and believe that criminals should be held accountable. In the above “An Interview With” box, a good example of how elected officials look at correctional policies and programs is presented through the interview with former U.S. senator and current Ohio Governor Mike DeWine.

### **“tough on crime”**

an attitude that criminals should be severely punished for their wrongdoings, and long prison sentences are the most effective criminal sanction

## Chapter Review

### Summary

This chapter includes several topics as we begin our study of corrections. Students receive an overview of what corrections is, how it links to the rest of the criminal justice system, and why it is important to study corrections. As the criminal justice system has expanded over the past several decades, the correctional system has grown at the most rapid pace, with elected officials authorizing extensive funds and resources to meet the growing demand for services. As this demand has grown, employment and advancement opportunities have increased, and more students are considering corrections as a career field.

The causes of crime are presented, from the earliest theories based on a range of beliefs that offenders exhibit “free will” to the idea that some offenders are “predetermined” and have no choice in becoming involved in crime. More modern theories, while not discounting any possible cause of crime, emphasize holding offenders accountable and weighing more heavily on the free will concepts than on predetermination. Understanding the theories regarding the causes is critical to determining how to respond to crime. Early approaches included severe corporal punishment, torture, and public humiliation; capital punishment for several crimes; and removing offenders by transporting them out of society. Today we have settled on the use of prisons to punish, deter, incapacitate, and rehabilitate criminals.

The Quakers of Pennsylvania, who opened the Walnut Street Jail in Philadelphia as the first penitentiary for convicted offenders in 1790, are credited with the creation of prisons to house sentenced offenders in the United States. For over 200 years since that time, prisons have undergone many transitions regarding their emphasis on varying correctional goals, from punishment to rehabilitation. Each correctional goal is described in the chapter, and students can realize how correctional practices and various sentences emphasized certain goals over others during various eras of prison and community correctional operations.

The purpose of this chapter is to create a foundation of history and theory so that, as current policies and practices are described, students can link these to theories and goals in order to critically consider the overall effectiveness and public value of correctional policy. In the next several chapters, the operations of the major components of the correctional system are described, beginning with a description of the types of sentences that offenders receive. In Chapter 2, the first stage of correctional operations, including the processes (pretrial diversion, bail, jail, finding of guilt) that lead up to sentencing, is described, as well as various sentencing approaches and options and postsentencing processes for handling the offender and making the actual sentencing decision.

### Key Terms

penology  
penitentiary  
corrections  
penal code  
Cesare Beccaria  
Classical School

Jeremy Bentham  
hedonistic calculus  
Positive School  
Cesare Lombroso  
atavism  
Neoclassical School

transportation  
John Howard  
Walnut Street Jail  
Pennsylvania system  
Auburn system  
Reformatory Era