



fourth edition

LARRY SIEGEL

CLEMENS BARTOLLAS

# corrections today

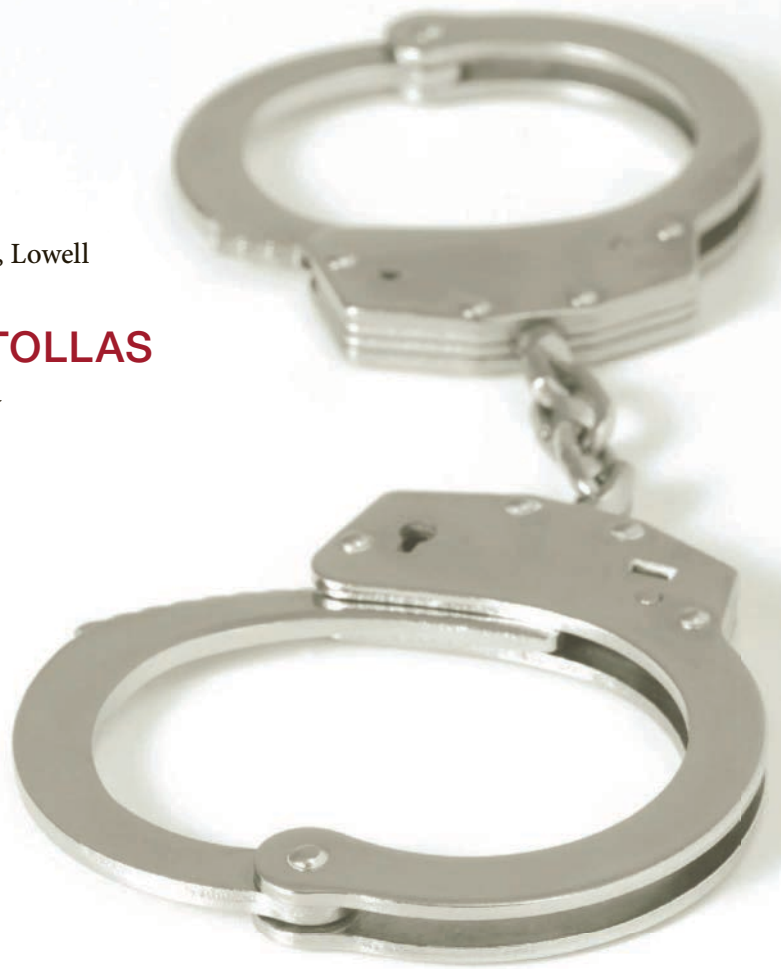
# corrections today 4e

**LARRY SIEGEL**

University of Massachusetts, Lowell

**CLEMENS BARTOLLAS**

University of Northern Iowa



Australia • Brazil • Mexico • Singapore • United Kingdom • United States



**Corrections Today, Fourth Edition****Larry Siegel and Clemens Bartollas**

Senior Product Director: Marta Lee-Perriard

Senior Product Manager: Carolyn Henderson  
Meier

Senior Content Developer: Shelley Murphy

Product Assistant: Timothy Kappler

Marketing Director: Mark Linton

Senior Content Project Manager: Christy Frame

Senior Art Director: Helen Bruno

Senior Manufacturing Planner: Judy Inouye

Production Service and Compositor: Jill Traut,  
MPS Limited

Photo Development Editor: Kim Adams Fox

Photo Researcher: Thirupathiraja Inbaraj,  
Lumina DatamaticsText Researcher: Rameshkumar  
Muthuramalingam, Lumina Datamatics

Copy Editor: Heather McElwain

Text and Cover Designer: Pam Verros

Cover Image: Metropolitan Corrections Center,  
Chicago: Maria Savoia/Shutterstock.com;  
closed jail cells: albund/Shutterstock.com;  
Alcatraz Island: AlessandroColle/Shutterstock  
.com; old prison cell: DnDavis/Shutterstock  
.com; County Jail inmate: Gabriele Maltinti  
/Shutterstock.comTitle Page Image: iStockPhoto.com/Baris  
Muratoglu

© 2018, 2016 Cengage Learning

ALL RIGHTS RESERVED. No part of this work covered by the copyright herein may be reproduced or distributed in any form or by any means, except as permitted by U.S. copyright law, without the prior written permission of the copyright owner.

Unless otherwise noted, all content is © Cengage Learning

For product information and technology assistance, contact us at  
**Cengage Learning Customer & Sales Support, 1-800-354-9706.**For permission to use material from this text or product,  
submit all requests online at **www.cengage.com/permissions.**Further permissions questions can be e-mailed to  
**permissionrequest@cengage.com.**

Library of Congress Control Number: 2016947227

Student Edition:

ISBN: 978-1-337-09185-5

Loose-leaf Edition:

ISBN: 978-1-337-09284-5

**Cengage Learning**20 Channel Center Street  
Boston, MA 02210  
USACengage Learning is a leading provider of customized learning solutions with employees residing in nearly 40 different countries and sales in more than 125 countries around the world. Find your local representative at **www.cengage.com.**

Cengage Learning products are represented in Canada by Nelson Education, Ltd.

To learn more about Cengage Learning Solutions, visit **www.cengage.com.**Purchase any of our products at your local college store or at our preferred online store **www.cengagebrain.com.**

This book is dedicated to my children Eric, Andrew, Julie and Rachel;  
my grandchildren Jack, Kayla, and Brooke; my sons-in-law, Jason Macy  
and Patrick Stephens; and my wife, partner, and best friend,  
Therese J. Libby.

**–LJS**

To my wife, Linda, and my children, Kristin, Mya, and Kristen, and my  
grandchildren, Jake, Jordan, Rayne, Starley, Khosi, and Irie Sky.

**–CB**



# list of contributors

Our thanks to the following corrections professionals who share their experience and expertise in these pages:

Shirley Addison  
Judy Anderson  
James Arena  
Allen Ault  
Steven Ayers  
Diane Bailey  
Jennifer Wyatt Bourgeois  
Alvin J. Bronstein  
James H. Bruton  
Fred Bryan  
Mary Leftridge Byrd  
Barbara Casey  
Gina Curcio  
James Dare  
Derek DuFresne  
Christopher E. Epps  
Michael Fogel  
Cathy Fontenot  
Julie Fox  
Arnot Gaston  
Kent Grandlienard  
James M. Higgins  
Manny Jaquiss  
Brett Kelly  
Brittany LaFerriere  
Paul A. Magnuson  
Philip Mullin  
Carol Higgins O'Brien  
Kay Pranis  
Jim Redmond  
Jennifer Reynoldson  
Jesse Rincon  
Mack Roberts  
Charles Samuels  
Kelly Culshaw Schneider  
Sara Shropshire  
Michelle Smith  
Ray Stanelle  
Jean Tomlinson  
James Young



# brief Contents

## part 1

### The Correctional System: How and Why We Correct

- 1 The Correctional System 2
- 2 Sentencing and the Correctional Process 38

## part 2

### Types of Correctional Sanctions

- 3 Community Corrections: Diversion and Probation 60
- 4 Intermediate Sanctions 92
- 5 Jails and Houses of Correction 124
- 6 Prisons 156

## part 3

### Living in and Leaving the Correctional Institution

- 7 The Prison Experience: Males and Females 184
- 8 Prisoners' Rights 226
- 9 Correctional Programs and Services 254
- 10 Parole and Release to the Community 286

## part 4

### Unique Problems and Issues in Corrections

- 11 Special Prison Populations 316
- 12 Capital Punishment and the Death Row Inmate 340
- 13 The Juvenile Offender 368





# Contents

Preface xix

## part 1

### THE CORRECTIONAL SYSTEM: HOW AND WHY WE CORRECT

## 1 The Correctional System 2

### The History of Corrections: From Vengeance to Reform 4

Development of Formal Corrections 5

Punishment during the Middle Ages 6

Enlightenment Thinkers and the Development of Corrections 7

### The Positivist School and the Development of Corrections 8

The Early Prison Reformers 9

The Origin of Corrections in the United States 10

### Corrections in the 20th Century 14

Dramatic Rise of Prison Population 15

Explosion of Prison Violence 15

Prisoners' Rights 16

Rise of Modern Management 16

Increased Use of Technology 17

Turning Increasingly to Privatization 17

### The Purpose and Function of the Corrections System Today 17

### Why Do We Punish? 18

### Goals and Philosophy of Punishment 19

General Deterrence 19

Specific Deterrence 20

Incapacitation 21

Rehabilitation 22

### evidence-based CORRECTIONS: Project BUILD 23

Retribution/Just Deserts 23

Restorative Justice 24

Equity/Restitution 24

The Criminal Justice System and Corrections 25

Agencies of the Criminal Justice System 26

The Formal and Informal Criminal Justice Process 26

Corrections in the Criminal Justice System 27

Emerging Professionalism 30

### the corrections PROFESSIONAL: Carol Higgins O'Brien 32

### Professionalism in Corrections Today 33

## 2 Sentencing and the Correctional Process 38

### Actors in the Sentencing Process 41

Prosecutors 41

Judges 41

Probation Staff 42



## part 2

### Bail 42

Pretrial Release 43

Types of Bail 43

### Imposing the Sentence 44

Concurrent versus Consecutive Sentences 44

The Effect of Good Time 45

Sentencing Sanctions 45

Sentencing Models 46

Indeterminate Sentences 46

Determinate Sentences 47

Structured Sentences 47

### Federal Sentencing and Guidelines 48

Mandatory Minimum Sentences 49

Three-Strikes Laws 50

Truth in Sentencing 51

### How People Are Sentenced 52

What Happens after the Sentence Is Served 52

Excessive Length of Sentences 53

Nonlegal Factors Affecting Sentencing 54

Racial Disparities of Sentencing 55

**evidence-based CORRECTIONS:** Does Race Influence Criminal Sentencing? 56

## TYPES OF CORRECTIONAL SANCTIONS

### 3 Community Corrections: Diversion and Probation 60

#### The Development of Community-Based Corrections 62

The Community Corrections Revolution 63

Community Corrections Acts 64

#### Diversion 66

Rationale for Diversion 67

Diversion Programs 67

**evidence-based CORRECTIONS:** Deferred Prosecution Program (DPP) of the State's Attorney's Office of Cook County, Illinois 69

Specialized Courts 71

#### Probation 71

Probation Populations 72

Granting Probation 73

Changing Role of Probation: Risk Assessment and Increased Surveillance Models 73

Administration of Probation 74

Basic Functions of Probation Officers 76

What Are Probationers' Legal Rights? 79

**the corrections PROFESSIONAL:** James Arena 80

Is Probation Effective? 82

Contemporary Probation Services 82

Intensive Supervised Probation 84

Future of Probation Services 85

Technological Innovations in Probation 86

**evidence-based CORRECTIONS:** Hawaii Hope 87

**technocorrections:** Probation Technology 88



## 4 Intermediate Sanctions 92

### The Continuum of Intermediate Sanctions 94

- Fines 95
- Forfeiture 98
- Financial Restitution 100
- Community Service 101
- House Arrest 101
- Electronic Monitoring (EM) 103

**technocorrections:** EM and GPS Systems in the Community 106

### Specialized Courts 106

- Homeless Courts 107
- Drug Courts 108
- Community Courts 110
- Day Reporting Centers 110

**evidence-based CORRECTIONS:** Are Drug Courts Effective? 111

- Residential Community Corrections Centers 112

**the corrections PROFESSIONAL:** Brett Kelly 114

- Boot Camps 115

### Restorative Justice 116

- Restorative Justice Programs 118

### Future of Intermediate Sanctions 120



## 5 Jails and Houses of Correction 124

### Origins of the Jail 126

### Contemporary Jails 127

- Types of Local Correctional Institutions 127
- Characteristics 127
- Functions 128
- Initial Booking and Classification 129

### Jail Populations 129

- Age 130
- Gender 130
- Race and Ethnicity 130
- Social Class 131
- Adjustment to Jail 131

**evidence-based CORRECTIONS:** Inmate Behavior

- Management: Brazos County Jail Study 132

### Jail Administration and Structure 132

**careers in CORRECTIONS:** Jail Officer/Jail Administrator 133

- Local and State Administration and Politics 133
- Jail Administrative Alternatives 134

### Types of Jail Supervision and Surveillance 134

- First-Generation Jails: Linear/Intermittent Surveillance 134
- Second-Generation Jails: Indirect/Remote Surveillance 135
- New-Generation Jails: Direct Supervision 136
- Fourth-Generation Jails: Total Supervision 137

### Jail Programs 138

- Reducing Recidivism 139



## **Jail Officers 141**

**the corrections PROFESSIONAL:** Mack Roberts 142

Changing Roles 142

## **Issues of Jail Confinement 144**

Jail Crowding 144

Mental Health Placements 145

Violence 147

Jail Suicides 148

**technocorrections:** Monitoring Jail Inmates with  
Technology 150

## **Trends Shaping Jails 150**

**evidence-based CORRECTIONS:** Iowa's Jail-Based Assessment  
and Treatment Project 152

# **6 Prisons 156**

## **To What Extent Do Prisons Mirror the Larger Society? 158**

Can Prisons Be Improved? 159

## **Inmate Populations 160**

Age 160

Gender 161

Race 161

Offense Characteristics 161

## **Jurisdiction Over Prison Systems in the United States 162**

Federal Bureau of Prisons 162

State Departments of Corrections 163

How Do State Correctional Systems Deal with Crisis 164

Prison Construction 164

Developing Clarity of Mission 164

Managing Corrections Effectively 165

Integrating Correctional Services 165

Training Staff 165

Upgrading Standards 165

Private Prisons 167

## **Types of Correctional Facilities 169**

Minimum-Security Prisons 170

Medium-Security Prisons 170

Maximum-Security Prisons 171

Supermax Prisons 171

**evidence-based CORRECTIONS:** Supermax Prisons 174

## **What Prisons Look Like 175**

Architectural Design for Today's Prisons 175

**technocorrections:** Using Technology in Prison Security 176

Changing Form of the Prison 176

## **Correctional Administration: How Are Prisons Run? 178**

Establishment of Policy 178

Planning 178

Dealing with Civil Suits 178

Institutional Monitoring 178

Staff Development 179

Fiscal Management 180

Proactive Wardens 180



## 7 The Prison Experience: Males and Females 184

### Entering Prison 186

- Classification 186
- Difficulties of Adjustment 188
- Mental Health Services 189

### Traditional Male Inmate Culture: The Big House Era 189

- Inmate Social Code 190
- Prisonization 190
- Prison Language or Argot 191

### Contemporary Male Prison Culture 192

- Prison Gang Structures 192

### technocorrections: Nonlethal Weapons in Prison 195

- Changing Racial Patterns 195
- Prison Contraband 196
- Sex in Prison 197

### evidence-based CORRECTIONS: Eliminating Prison Rape 198

### Expressions of Prison Violence 200

- Riots and Other Major Disturbances 200
- Inmate Assaults on Staff 200
- Inmates versus Inmates 201
- Staff Assaults on Inmates 201
- Self-Inflicted Violence: Prison Suicide 201

### Women in Prison 203

### Trends in Women's Imprisonment 203

- Characteristics of Women in Prison 203

### evidence-based CORRECTIONS: The Effectiveness of Administrative Segregation 204

### Gender Differences in Classification 206

### Doing Time 207

- Classic Studies 207
- Contemporary Prison Experience for Women 208

### Special Issues in the Incarceration of Women 210

- Programs and Treatment Opportunities for Women Prisoners 210
- Gender-Specific Programs for Women Prisoners 210
- Motherhood in Prison 211
- Nursery Programs for Incarcerated Mothers 212
- Prison Health Care 213
- Sexual Abuse 214

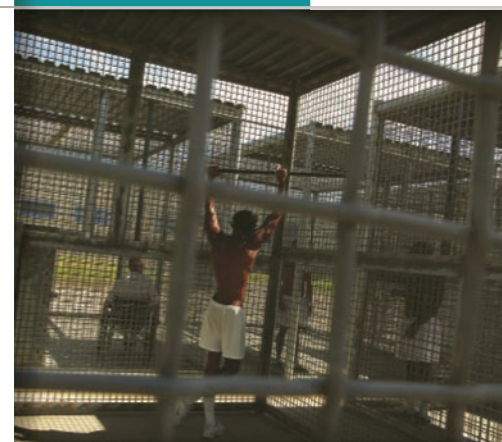
### Guarding the Prison 215

- Security Is Still the Name of the Game 215
- The Changing Role of Correctional Officer 216
- Conflicting Goals and Expectations 217
- Gender Conflicts 217

### the corrections PROFESSIONAL: Philip Mullin 218

- Officers' Response to Problems on the Job 220
- Job Enrichment: A Challenge for Administrators 220
- Corrections Staff in Women's Prisons 220

### Professionalism in Women's Prisons 221







## 8 Prisoners' Rights 226

**What Do We Mean by Prisoners' Rights?** 228

**Foundations of Prisoners' Rights Law** 229

U.S. Constitution 229

Statutes 229

Legal Precedents 229

Federal Civil Rights Lawsuits 230

Writ of Habeas Corpus 231

**Developing Prisoners' Rights** 231

Convicted Felons as Slaves of the State 231

High-Water Mark of the Prisoners' Rights Movement 232

Crime Control Response by the Court 232

**Substantive Rights of Inmates** 234

First Amendment Rights 235

**Access to Courts, Legal Services, and Materials** 237

**evidence-based CORRECTIONS:** Innocence Network 238

Fourth Amendment Rights 240

Eighth Amendment Rights 240

**evidence-based CORRECTIONS:** Dee's Triumph 244

Fourteenth Amendment Rights 245

**careers in CORRECTIONS:** Wardens 247

**Providing Legal Services to Inmates** 248

**The Impact of the Prisoners' Rights Movement** 248

**evidence-based CORRECTIONS:** Wrongful Convictions 249



## 9 Correctional Programs and Services 254

**Role of Treatment and Services in Prison Today** 256

**evidence-based CORRECTIONS:** Commercial Diving Program 257

**Classification for Treatment** 257

**the corrections PROFESSIONAL:** Fred Bryan 258

**Correctional Treatment Methods** 260

**careers in CORRECTIONS:** Correctional Treatment Personnel 261

Individual-Level Treatment Programs 261

**evidence-based CORRECTIONS:** Getting Ready Program 263

**evidence-based CORRECTIONS:** Thinking for a Change (T4C) 265

Group Programs 266

**evidence-based CORRECTIONS:** Therapeutic Communities 270

**Anger Management** 271

Inmate Self-Help Programs 271

**Prison Education, Vocational, and Religious Programs** 272

Academic Education 273

Vocational Training 274

**evidence-based CORRECTIONS:** Work Programs in Prison 275

Animal Training 276

Religion 276

**Providing Services to Inmates** 278

Medical Services 278

Mental Health Services 278

Visitation 278

## 10 Parole and Release to the Community 286

### Parole Practices 289

- Extent of Parole Today 290
- Principles of Parole 291
- Types of Parole 291
- The Parole Board 292

### evidence-based CORRECTIONS: Maxing Out of Prison 293

- The Parolee in the Community 295

### Parole Officers 296

- Surveillance and Constraint 297
- Supervision of Parolees 297

### technocorrections: Monitoring Sex Offenders in the Community 298

- Is There a Legal Right to Parole? 299
- Parole Revocation 299

### the corrections PROFESSIONAL: Jesse Rincon 300

### evidence-based CORRECTIONS: COMPAS Assessment Tool 302

### How Successful Is Parole? 303

- Why Do People Fail on Parole? 305

### Parole Programs 306

### evidence-based CORRECTIONS: Serious and Violent Offender

- Reentry Initiative (SVORI) 308
- Losing Rights 308
- What Can Be Done to Improve Parole Effectiveness? 309
- Second Chance Act 311



## UNIQUE PROBLEMS AND ISSUES IN CORRECTIONS

## 11 Special Prison Populations 316

### Special Offense Inmates 318

- Substance-Involved Inmates 318

### the corrections PROFESSIONAL: Michelle Smith 320

- Sex Offenders 321

### evidence-based CORRECTIONS: KEY/Crest 322

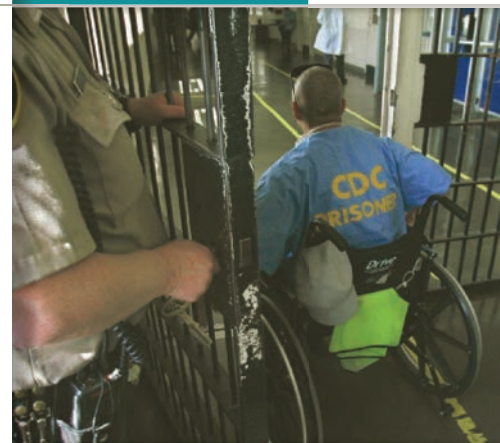
- Terrorists in Prison 324
- Using Torture 325

### Special Needs Inmates 326

- Corrections and Inmates with HIV 327
- Inmates with Disabilities 328
- Inmates with Chronic Mental Illness 329

### Special Population Inmates 331

- Corrections and Elderly Inmates 331
- Corrections and Transgender Inmates 332
- Corrections and Illegal Immigrants 333
- Previously Homeless Inmates 335
- Reentry Programs Targeting the Homeless Population 336



part 4



## 12 Capital Punishment and the Death Row Inmate 340

### Capital Punishment as a Sentence 342

### The Death Penalty in Contemporary Society 342

Death Penalty Trends? 343

Death Penalty Profile 343

Public Opinion 346

International Opposition to the Death Penalty 346

Death Penalty Appeals 346

### Legality of the Death Penalty 348

Use of Discretion: Aggravation versus Mitigation 348

Administering Death 350

Race and the Death Penalty 350

Is There a Racial Effect? 351

Women on Death Row 352

Execution of Prisoners with Mental Impairment 352

Execution of Juveniles 355

Administrative Issues and the Death Penalty 356

### Working on Death Row 356

Working with Death Row Inmates 357

Execution Teams 357

### Living On Death Row 358

### The Effect of Executions on Non-Death Row Inmates 359

### Arguments for and Against the Death Penalty 359

Retentionist Arguments 360

Abolitionist Arguments 360

**evidence-based CORRECTIONS:** Racial Intolerance and Support for the Death Penalty 361

### Does the Death Penalty Deter Murder? 362



## 13 The Juvenile Offender 368

### History of the Juvenile Justice System 370

The Concept of *Parens Patriae* 371

Child Savers and the Origin of the Juvenile Court 371

### Contemporary Juvenile Justice 372

Similarities between Juvenile and Adult Justice Systems 373

### Juvenile Sentencing Structures 375

Blended Sentencing 375

**the corrections PROFESSIONAL:** Sara Shropshire 376

### Juvenile Corrections in the Community 376

Probation 376

Intermediate Sanctions for Juveniles 378

Residential Community Sanctions for Juveniles 378

Is Community Treatment Effective? 379

### Juvenile Institutions Today: Public and Private 380

Population Trends in Juvenile Corrections 380

### Institutionalized Juveniles 381

Racial Inequality 382

### Gender Differences 382

**evidence-based CORRECTIONS:** Disproportionate Minority Confinement/Contact (DMC) 383

<b>the corrections PROFESSIONAL: Brittany LaFerriere</b>	<b>384</b>
Institutional Treatment for Juveniles	385
The Legal Right to Treatment	386
<b>evidence-based CORRECTIONS: Targeting Serious and Violent</b>	
Offenders	387
<b>Juvenile Aftercare and Reentry</b>	<b>387</b>
Postinstitutional Supervision of Juveniles	388
Aftercare Revocation Procedures	388
<b>Juveniles in the Adult system</b>	<b>389</b>
Methods of Waiver	390
Treating Juveniles as Adults	390
Youths in Adult Prisons	391
Punishing Juveniles: The Death Penalty and Life in Prison	391
Helping Children in Adult Prisons	392
 <i>Glossary</i>	 <b>397</b>
<i>Name Index</i>	<b>403</b>
<i>Subject Index</i>	<b>411</b>





# Preface

Norma Patricia Esparza was a Southern California college student in 1995 when she was raped by a man she met at a bar. A few weeks later, she went back to the same spot and pointed her attacker out to Gianni Van, her ex-boyfriend. He and two others followed the alleged attacker, a man named Gonzalo Ramirez, out of the bar, kidnapped him, and hacked him to death with a meat cleaver.

The killing went unsolved for 17 years, and during this time Norma Esparza earned a doctorate and began working as a psychology professor in Switzerland while serving as a consultant to the World Health Organization. She also married and started a family.

Police cracked the case in 2012 and arrested Esparza and the others. At first she insisted she was innocent but later accepted a plea deal. In 2016, 21 years after the killing, Esparza was sentenced to 6 years in prison. Another co-defendant, Shannon Gries, got a term of 25 years to life, and told the court he would spend the time trying to make amends to Ramirez's family. Van, who took matters into his own hands, was sentenced to life without parole.

Esparza's arrest prompted an outcry from sexual assault victims' advocates, who said the case sent a chilling message to rape survivors.

The Esparza case illustrates why corrections is such a salient and important topic in contemporary criminal justice. Although Esparza did point out her attacker and probably assumed that something bad would happen to him, could she foresee that he would be hacked to death? And what is the purpose of putting someone in prison who committed a crime more than 20 years ago and then turned her life around? Should Esparza spend years in prison or could she be successfully rehabilitated in the community? What is the proper course to take? These are some of the dilemmas facing the contemporary correctional system.

Source: Amy Taxin, "Woman Who Pointed Out Alleged Rapist Is Sentenced in Killing," ABC News, July 15, 2016, <http://abcnews.go.com/US/wireStory/psychologist-faces-sentencing-1995-killing-california-40597784>.

## Goals and Objectives

Despite sharing the same sense of frustration many Americans feel over how people are treated in the correctional system, we believe in this "new corrections" so much so that we wanted to create a textbook specifically designed to help train "new corrections professionals." For more than 50 years between us, we have had the opportunity to channel our interests in punishment and corrections into careers as professors of criminal justice, teaching, working within the corrections system, and consulting with correctional personnel. We have incorporated this lifetime of knowledge and service into *Corrections Today*, which describes, probes, and analyzes the new ideology, priorities, and programs found in corrections. The text is designed to be informative and scholarly, while at the same time being practical and career oriented. We examine the field of corrections through the lens of students who are giving serious thought to careers in corrections or are now working in corrections. Our text aims to be highly readable, engaging, and authoritative, without losing sight of its goal and target audience. So although the topics covered include historical and theoretical perspectives in corrections, we strive to provide the type of context and concrete illustration that makes such material meaningful and relevant to career-minded students.



*Corrections Today* has at its core a number of unique attributes:

- **It is realistic.** We conducted a “reality check” by conducting interviews with “spokespeople” for corrections: probationers, inmates, parolees, correctional personnel, and correctional administrators. We constantly asked them: Is this the way it is? Is this a fair assessment? Do we have it right?
- **It is research oriented.** We include the most recent studies of corrections and have tried to explain findings in a user-friendly way aimed at increasing student interest—resulting in a book that is briefer but no less academically sound than more encyclopedic texts.
- **It emphasizes evidence-based research findings.** In nearly every chapter, we include studies of evidence-based research findings. For example, in Chapter 8 we explore the existing evidence on wrongful convictions to help students understand how often miscarriages of justice actually occur and how many people are wrongfully convicted each year.
- **It also emphasizes the expanding role of technology in the field.** Unique “Technocorrections” boxes spotlight the use of cutting-edge technology to supervise offenders in the community and in correctional institutions—providing an essential and compelling look at a major emphasis in corrections today.
- **It does not pull punches.** In nearly every chapter, there is an evaluation of what is taking place in the correctional system today, where the problems lie, and what can be done to correct them.
- **It focuses on how to become a corrections professional.** Our goal is to help students with career choices and explore what careers are out there in the correctional system. We feature numerous interviews with practicing professionals as well as an in-depth look at careers in corrections.
- **It is hopeful.** Time after time in this text, those who work in the field remind students that corrections has been a very positive and fulfilling career in which they feel they have made a difference, and they invite students to join them on this exciting journey.

## Organization of the Text

---

The text has 13 chapters divided into 4 parts. Part I covers how and why we correct people who violate the law. Part II reviews the types of correctional institutions now in use, ranging from community-based diversion programs to maximum-security prisons. Part III looks at what both male and female inmates experience during their correctional stay. Part IV reviews unique problems and issues in corrections, ranging from dealing with elderly inmates to death row inmates. The following content of each chapter is set out in some detail.

**Chapter 1, The Correctional System,** covers the goals and philosophy of punishment as well as the history of punishment from the Code of Hammurabi through the Enlightenment through the origins of American corrections up to the 20th century, and concludes with a discussion of the corrections system today, including the extent and consequences of prison overcrowding, the cost of corrections, and what it means to be a professional in corrections.

**Chapter 2, Sentencing and the Correctional Process,** focuses on *how* we punish—discussing the basic goals and philosophy of sentencing, the various types of sentencing and sentencing guidelines, three-strikes laws, and truth in sentencing.

**Chapter 3, Community Corrections: Diversion and Probation,** begins by explaining diversion and diversionary programs, considers community corrections legislation, and then focuses on probation services.

**Chapter 4, Intermediate Sanctions,** identifies and discusses the continuum of intermediate sanctions, including fines, forfeiture, house arrest, and electronic monitoring, and places a major emphasis on restorative justice.

**Chapter 5, Jails and Houses of Correction,** offers comprehensive coverage of the jail from its origins through the various generations of jail supervision, as well as issues concerning jail confinement, such as overcrowding, violence, and suicide.

**Chapter 6, Prisons,** covers the main types of federal, state, and private prisons, including an examination of the levels of security from minimum to supermax, architectural design innovations, and prison administration.

**Chapter 7, The Prison Experience: Male and Female,** focuses on the changing social structure of men's and women's prisons, including gangs, racial tensions, contraband, violence, and sex in prison. It also identifies the differences between men's and women's prisons when it comes to social structure, focuses on issues such as motherhood, health concerns, and sexual abuse, and discusses professionalism among workers in women's prisons.

**Chapter 8, Prisoners' Rights,** identifies what First, Fourth, Eighth, and Fourteenth Amendments substantive rights have been awarded to inmates and addresses the consequences of the Prison Litigation Reform Act on prisoners' rights.

**Chapter 9, Correctional Programs and Services,** looks at the role of treatment and services in prisons today, discussing the classification for treatment, individual-level treatment programs, group programs, and inmate self-help programs.

**Chapter 10, Parole and Release to the Community,** examines parole practices today, how the parole board functions, the various roles of parole officers, the legal rights of parolees, and the problems ex-offenders face when returning to the community.

**Chapter 11, Special Prison Populations,** reviews three categories of inmates who pose particular challenges to correctional administrators and who face challenges themselves in adjusting to prison environments: *special offense inmates*—inmates with substance abuse histories, sex offenders, and terrorists; *special needs inmates*—HIV inmates and inmates with chronic mental health issues; and *special population inmates*—elderly inmates and inmates who are illegal immigrants.

**Chapter 12, Capital Punishment and the Death Row Inmate,** examines the status of the death penalty today, its legality and role in contemporary society both nationally and internationally, and describes the positions and responsibilities of those working on death row.

**Chapter 13, The Juvenile Offender,** looks at juvenile offenders as they are processed through the juvenile justice system and then considers the transfer of juveniles to adult court and the placement of juveniles in boot camps and adult prisons.

## What Is New in the Fourth Edition?

We have added two new boxed features. One feature, titled **The Corrections Professional**, provides an in-depth look at the daily activities, issues, problems, and

achievements of people who are working in corrections. We include interviews with a director of corrections, warden, treatment providers, correctional officers, and others who share their experiences. The second feature, **Careers in Corrections**, includes comprehensive looks at specific correctional roles such as probation officer and provides information on salary, educational requirements, future prospects, and the like.

**Web Apps** are placed throughout each section of the text to provide students with links to relevant websites, with discussion questions and activities, all tied to the chapter learning objectives.

Marginal **For Group Discussion** activities facilitate critical thinking and group discussion. All are keyed to the chapter's learning objectives.

Marginal **Critical Thinking** activities add further reinforcement of critical thinking about corrections today, all tied to the chapter's learning objectives. And **For Critical Thinking and Writing** assignments are presented in all of the boxed features in the text, as well.

## Chapter-by-Chapter Changes in the Fourth Edition

---

**Chapter 1** This chapter covers the case of Dylann Roof who killed nine churchgoers in Charleston, South Carolina, and asks the question of how someone like him should be sentenced. The chapter reviews Chicago-based John Howard Association's documentation of complaints from prisoners revealing that Vienna Correctional Center, once a model of corrections, has deteriorated and become a hellhole. The chapter has new material on trends in the prison population.

**Chapter 2** New material is included on the impact of victim statements. The sections on race and sentencing and the use of guidelines has been revised.

**Chapter 3** This chapter provides current statewide figures of the arming of probation officers. There is a new section on technological innovations in probation. We give specific examples of how the field of probation has seen a substantial increase in the use of remote technologies.

**Chapter 4** This chapter provides updated and expanded information on statewide criminal forfeiture reforms as well as an in-depth look into a California probation department that utilizes house arrest and other community supervision measures. Recent evaluations of home monitoring programs such as those that use GPS are explored, including national studies seeking to identify the most effective form of probation supervision. An expanded section of "Specialized Courts" is provided, including updated figures and recent evaluations of drug courts, homeless courts, and boot camps.

**Chapter 5** This chapter provides updated figures on jail populations and recent trends in the United States, including the most recent data on Indian Country jails. The effects of depopulation efforts in California prisons and the consolidation of mental health clinics in Chicago are also explored. Expanded information is provided on the nationally sponsored Transition from Jail to Community (TJC) initiative that seeks to increase the success of reentry. Up-to-date research concerning correctional officer occupation risks is included. The most recent statistics concerning jail mortality are provided.

**Chapter 6** This chapter provides updated and the most recent demographic statistics concerning state and federal prison populations, as well as expanded information on federal drug and vocational programs. The most recent data concerning within-institution abuse are included. Privatization of prison statistics are

expanded and updated, including recent rulings concerning the treatment of inmates in private prisons. There is an updated Technocorrections feature on *biometric recognition* and new section on *airspace monitoring* in this chapter.

**Chapter 7** This chapter has expanded discussion of prison classification in the United States as well as updated statistics concerning prison gang populations. A Technocorrections feature provides expanded information and types of “Nonlethal Weapons in Prison.” The chapter also includes a discussion of how recent drone technology is used to bring contraband into prisons. Recent data concerning the prevalence of victimization within prisons are provided, as well as recent changes in the female prison population.

**Chapter 8** This chapter includes expanded discussion of prisoners’ rights and coverage of how the Bill of Rights has been interpreted to provide—or limit—prisoners’ rights. Recent examples of challenges to unfair treatment in prison are provided. The discussion of post-9/11 restriction of habeas corpus is expanded as well.

**Chapter 9** Information is provided concerning the Second Chance Act and funding allocations to hundreds of projects focused on prisoner reentry. Expanded discussion of popular and effective correctional treatment—such as cognitive behavioral therapy—is provided. Recent data concerning Residential Drug Abuse Program (RDAP) facilities and program characteristics are also included. Research examining the effects of therapeutic communities (TC) is discussed. There is now discussion of alternative treatment programs for anger management, such as art therapy, as well as expanded information concerning prison service dog programs and education initiatives within the correctional system. Up-to-date information concerning medical services and prevalence of medical needs are included.

**Chapter 10** This chapter includes expanded and updated sections on the abolition of parole, specifically concerning the Sentencing Reform Act of 1984, the restriction of federal parole, and a case-in-point discussion of the parole board in Texas. Recent research concerning COMPAS, the use and efficacy of parole hearings, as well as discussions of parole officer powers and the relationship between parole, probation, and departments of corrections are included. Recent research on factors relating to the granting of parole is also examined.

**Chapter 11** This chapter provides up-to-date statistics concerning the prison population, specifically by age (elderly) and crime type (sex offender). Expanded discussion of substance abuse programs available to prisoners and mental health screening tools are also included. A contemporary discussion was added to sections that examine illegal immigrants and terrorists in prison. Updated data are provided with an overview of involuntarily commitment of certain classifications of sex offenders.

**Chapter 12** The most recent statistics concerning capital punishment are provided in this chapter, as well as a discussion of public opinion and the death penalty, and mental illness and the death penalty. The chapter also includes an updated comparative section that examines international use of capital punishment, as well as an expanded discussion of race and capital punishment. More recent data on deterrence and the death penalty are included as well.

**Chapter 13** This chapter provides up-to-date statistics concerning victimization data, the number of juveniles on probation, and population trends in juvenile corrections. Expanded coverage of juvenile boot camps, racial inequality, blended sentencing, and the comparison of public and private institutions are also included. Regional disparities in juvenile incarceration are explored. Special attention is paid to the Model for Change initiative meant to improve juvenile aftercare and chances of successful reentry.

## Learning Tools

---

In keeping with our desire to create the most student-centric text available, we have created a complete learning system. Each chapter begins with a set of learning objectives, which are also integrated in the chapter where each learning objective is addressed, and keyed to the summary at the end of the chapter for optimum reinforcement. Key concepts and terms are previewed in the chapter opener, boldfaced in the text where they are introduced and defined, and are repeated in the running marginal glossary. Additionally, we have included the following boxes and features to help students get the most out of the course.

**The Corrections Professional** In this feature, real-world professionals share their firsthand experiences and give students a concrete view of what it's like to work in a variety of corrections careers.

**Careers in Corrections** Throughout the book, we highlight a variety of careers in corrections by giving students “snapshots” of corrections careers.

**Evidence-Based Corrections** This box focuses on policies and practices that are supported by research, a key driver in the field today. We include critical thinking and writing activities with Evidence-Based Corrections throughout the text.

**Technocorrections** These boxes spotlight the use of cutting-edge technology to supervise offenders in the community and in correctional institutions. For example, a Technocorrections feature in Chapter 7 covers nonlethal weapons in prison.

**Thinking Like a Corrections Professional** These boxes give students an opportunity to decide how they think a corrections professional would handle a particular situation. Many of these features represent actual situations that have taken place, while others are possible scenarios.

**Myth/Fact Boxes** Each chapter contains Myth/Fact boxes designed to separate myth from reality and thereby inform students of the incorrect notions, perceptions, and biases they bring to class as a result of what they see on television or read in fiction and on the Internet.

**End-of-Chapter Review** Each chapter includes a chapter summary linked back to the chapter-opening learning objectives and a set of critical thinking questions designed to help students think critically about the material.

## Ancillary Materials

---

**MindTap® for Criminal Justice** The most applied learning experience available, MindTap is dedicated to preparing students to make the kinds of reasoned decisions they will have to as criminal justice professionals faced with real-world challenges. Available for virtually every Criminal Justice course, MindTap offers customizable content, course analytics, an e-reader, and more—all within your current learning management system. With its rich array of assets—video cases, interactive visual summaries, decision-making scenarios, quizzes, and writing skill builders—MindTap is perfectly suited to today's students of criminal justice, engaging them, guiding them toward mastery of basic concepts, and advancing their critical thinking abilities.

**Online Instructor's Manual with Lesson Plans** The manual includes learning objectives, key terms, a detailed chapter outline, a chapter summary, lesson

plans, discussion topics, student activities, “What If” scenarios, media tools, and sample syllabi. The learning objectives are correlated with the discussion topics, student activities, and media tools.

**Downloadable Word Test Bank** The enhanced test bank includes a variety of questions per chapter—a combination of multiple-choice, true-false, completion, essay, and critical thinking formats, with a full answer key. The test bank is coded to the learning objectives that appear in the main text, and identifies where in the text (by section) the answer appears. Finally, each question in the test bank has been carefully reviewed by experienced criminal justice instructors for quality, accuracy, and content coverage so instructors can be sure they are working with an assessment and grading resource of the highest caliber.

**Cengage Learning Testing** Powered by Cognero, the accompanying assessment tool is a flexible, online system that allows you to:

- import, edit, and manipulate test bank content from the text’s test bank or elsewhere, including your own favorite test questions;
- create ideal assessments with your choice of 15 question types (including true/false, multiple-choice, opinion scale/Likert, and essay);
- create multiple test versions in an instant using drop-down menus and familiar, intuitive tools that take you through content creation and management with ease;
- deliver tests from your LMS, your classroom, or wherever you want—plus, import and export content into other systems as needed.

**Online PowerPoint Lectures** Helping you make your lectures more engaging while effectively reaching your visually oriented students, these handy Microsoft PowerPoint® slides outline the chapters of the main text in a classroom-ready presentation. The PowerPoint slides reflect the content and organization of the new edition of the text and feature some additional examples and real-world cases for application and discussion.

## Acknowledgments

We would like to give special thanks to both our terrific and supportive Product Manager, Carolyn Henderson Meier, and our wonderful and fantastic Content Developer, Shelley Murphy. As usual, Senior Content Project Manager, Christy Frame, did an outstanding job of overseeing our work. We loved the text and cover design and want to give our appreciation to Senior Art Director, Helen Bruno, who managed the design process, and Text and Cover Designer Pam Verros, who did the actual design. We have worked with Photo Development Editor Kim Adams Fox many times and appreciate her diligence and dedication, not to mention her photo choices. Copy Editor Heather McElwain did a highly professional review; thanks a lot! Production Service Project Manager Jill Traut is always a pleasure to work with; she really makes the task at hand manageable. We would like to give a special shout out to Dr. Phil McCormack whose research and writing were essential to the successful completion of the text.





The New York Times/Redux

***Dylann Roof is flanked by police as he appears via video during a bond hearing on nine counts of murder as well as possession of a weapon during the commission of a violent crime, in Charleston, South Carolina. On January 17, 2015, nine people were killed in the shooting at the Emanuel African Methodist Episcopal Church in downtown Charleston.***

***Charleston, South Carolina,*** is known as the “Holy City” because of its numerous churches and tolerant attitudes toward different religious groups and denominations. One of the most historical churches in Charleston is the Emanuel African American Methodist Church, near the heart of Charleston’s tourist district. Known as “Mother Emanuel,” it has been the headquarters for civil rights activity over a number of decades.

On June 17, 2015, Dylann Roof came in to the church, mingled with parishioners, and for nearly an hour participated in the service. Suddenly, he pulled out a 45-caliber handgun and began a massacre of those attending—nine people. One of those killed was Reverend Clementa Pinckly, who also served as a state senator in South Carolina.<sup>1</sup>

Dylann Roof fled the church but was later arrested in North Carolina. A South Carolina grand jury indicted Roof on nine counts of murder. He was also charged with one count of weapons possession and three counts of attempted murder. On his website, the 21-year-old Roof told why Charleston was targeted: “I have no choice. I am not in a position to go into the ghetto and fight. I chose Charleston because it is [the] most historic city in my state and at one time had the highest ratio of blacks to whites in the country. We have no skin-heads, no real KKK, no one doing anything but talking on the Internet. Well somehow has to have the bravery to take it to the real world, and I guess that has to be me.”<sup>2</sup>

In a press conference, President Obama commented, “Any death of this sort is a tragedy. Any shooting involving multiple victims is a tragedy. There is something particularly heartbreaking about the death happening in a place in which we seek solace and we seek peace, in a place of worship.”<sup>3</sup>

“Mother Emanuel is more than a church,” the president continued. This is a place of worship that was founded by African Americans seeking liberty. This is a church that was burned to the ground because its worshippers worked to end slavery. When there were laws banning all-black church gatherings, they conducted services in secret. When there was a nonviolent movement to bring our country closer in line with our highest ideals, some of our brightest leaders spoke and led marches from this church’s steps. This is a sacred place in the history of Charleston and in the history of America.”<sup>4</sup> Charles County Solicitor Scarlett Wilson said that she will seek the death penalty. She noted: “This was the ultimate crime and justice from our state calls for the ultimate punishment.”

# The Correctional System



AP Images/Katherine Jones

## Learning Objectives

- LO1** Identify the ideas found within Enlightenment thinking and how they influenced corrections.
- LO2** Define the early prison reformers and what they contributed.
- LO3** Articulate how the Pennsylvania and Auburn models differ from one another.
- LO4** Explain how reformatories contributed to the rehabilitation model.
- LO5** Discuss the purpose of corrections.
- LO6** Summarize the reasons why we punish.
- LO7** Discuss the theories of punishment.
- LO8** Explain the relationship between corrections and the criminal justice system.
- LO9** Describe the extent and consequences of prison over crowding.
- LO10** Discuss the financial costs of corrections.
- LO11** Explain the importance of professionalism in corrections.

## preview OF KEY CONCEPTS

corrections  
 Code of Hammurabi  
 monastic confinement  
 bridewells  
 houses of corrections  
 Charles-Louis de  
 Secondat, Baron de  
 Montesquieu  
 Cesare Bonesana Beccaria  
 Jeremy Bentham  
 John Howard  
 Alexander Maconochie  
 Walter Crofton  
 Irish mark system  
 penitentiary  
 Eastern State Penitentiary  
 Pennsylvania model  
 Auburn cellblock  
 Auburn silent system  
 First Correctional Congress

Zebulon Brockway  
 reformatory model  
 medical model  
 Howard B. Gill  
 blameworthy  
 just deserts  
 retribution  
 general deterrent effect  
 specific deterrence  
 incapacitation  
 selective incapacitation  
 rehabilitation  
 evidence-based programs  
 restorative justice  
 equity goal of punishment  
*nolle prosequi*  
 mass incarceration  
 prison-industrial complex  
 professionalism



Roof is old enough to face the death penalty for his senseless crime. He appears to show no remorse for what he had done. His crime was not motivated by greed, vengeance, or lust, but by hate: He wanted to showcase the need for racial purity in America.

What should be done with this murderer of nine who had gathered for a prayer service? Anything less than the death penalty, it can be argued, would reduce the gravity of his crime, and in a way, permit him to avoid the ultimate punishment for his horrific act. Although considering execution for an unrepentant mass killer like Roof might seem “just deserts” to some, others would argue for the sanctity of human life, and claim that taking Roof’s life would be as just as immoral and unfair as his taking the lives of innocent churchgoers. Take what the American Civil Liberties Union, a leading opponent, has to say about capital punishment:

The death penalty in America is a broken process from start to finish. Death sentences are predicted not by the heinousness of the crime but by the poor quality of the defense lawyers, the race of the accused or the victim, and the county and state in which the crime occurred. . . . Time and time again, we have proven that the criminal justice system fails to protect the innocent and persons with serious mental disabilities and illnesses from execution. Even the administration of executions is utterly flawed: Every method of execution comes with an intolerably high risk of extreme pain and torture.<sup>5</sup>

So what then should we do with someone like Dylann Roof? If he does not deserve the death penalty then who does? If his life is spared after killing nine innocent people at a church prayer meeting, then what does it take for someone to deserve to be executed? Is the ACLU correct when it says the death penalty is a broken process? Should it be abandoned even for an immoral mass killer such as Dylann Roof?

It is the responsibility of federal, state, and county government, established by both law and practice, to protect us from evildoers, treat them, and reduce their potential for social harm. A key part of this mission is to prevent those convicted of crimes, ranging from the most serious felonies to petty misdemeanors, from repeating their criminal activities. To accomplish this goal, a correctional system has developed over the course of time designed to confine, manage, and provide rehabilitative programs for those convicted of crime. In ideal circumstances these goals will be achieved within a safe, secure, and humane environment. To carry out this task, the correctional system utilizes the services of trained professionals who are committed to public safety, the rehabilitation of inmates, and, after completion of their sentence, the reentry of offenders into society.

Although the contemporary correctional system is functionally independent, it is also a subsystem of a broader *criminal justice system*—those agencies of social control: police, courts, and corrections—responsible for investigating criminal conduct, gathering evidence, identifying suspects, making arrests, bringing charges, conducting trials, deciding sentencing, and treating criminal offenders. **Corrections** also take place in particular social contexts—environments and situations that influence people’s response to events and shape their beliefs about crime and punishment. Because of its place in the social context of society, all the participants in the correctional process are important: victims, criminals, employees, professionals, and the general public that pays for the correctional system and is concerned about its effectiveness and efficiency.

**corrections** The institutions and methods that society uses to correct, control, and change the behavior of convicted offenders.

**LO1** Identify the ideas found within Enlightenment thinking and how they influenced corrections.

## The History of Corrections: From Vengeance to Reform

To understand the present, it is necessary to examine the past of corrections. In this section, we present a brief review of the development of corrections and show its evolution from the first formal punishments employed in early societies to development of modern corrections in Europe and the United States.



## Development of Formal Corrections

In his well-received book, *The Better Angels of Our Nature*, famed social psychologist Steven Pinker shows how primitive societies, although low in absolute population, had very high per capita levels of violence.<sup>6</sup> Human remains found at archaeological sites show that 15 percent of prehistoric humans were murdered, and this pattern continued for thousands of years until the development of organized governments. Even the Aztecs in Mexico, known for their bloody rituals, enjoyed a significant lower violent death rate than pre-state societies. As strong state governments emerged, and as state government officials assumed the role of punishing law violators, there occurred a gradual decline in interpersonal violence.

For the state to take over private vengeance, it was necessary to formalize the system of government; informal code gave way to written laws. These early codes embodied local customs, religious rules and principles, and ideal standards of behavior held by those in power. Punishments reflected the way law violators had traditionally been treated when they breached established norms of conduct (see the Timeline for the development of corrections from ancient times to the 19th century).

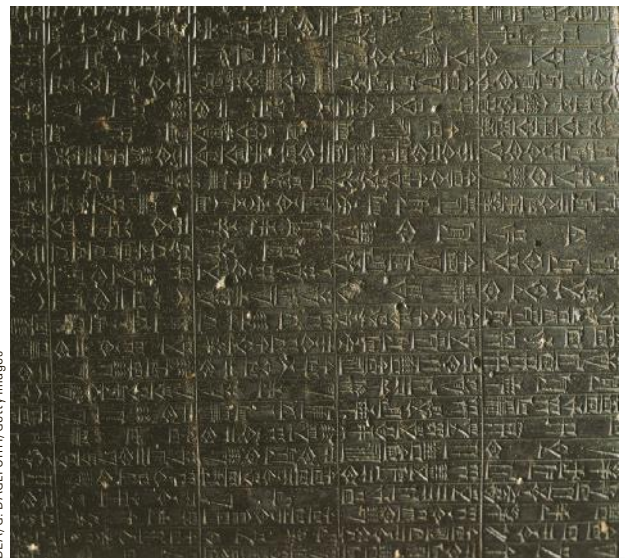
The first formal legal code was the **Code of Hammurabi**, created by the king of Babylonia (the region that is now Iraq) in about 1780 BCE. Hammurabi's code is especially memorable because it was carved on stone rather than clay, and it is believed that we have it nearly in its entirety. When French archaeologists discovered it in 1901, the slab on which the code was inscribed was taken to the Louvre in Paris, where it remains.

Hammurabi's code consists of 282 clauses, most of them having to do with matters that modern jurisprudence assigns to the civil laws. The principle of *lex talionis* ("law of talion," from the Latin *talio*, as in "retaliation") or "an eye for an eye" makes its appearance through the sections on the punishment of criminals. Although people were punished commensurate for the harm they caused (a thief's hand was cut off, for example), the code also rewarded compensation in the event that the perpetrator could not be identified. Take, for instance, the crime of robbery. If the thief was not caught, the code called for compensation to the victim of a robbery by the authorities of the city in which the robbery occurred. By making the state directly responsible for restitution, Babylonian law reduced intergenerational feuds and blood vengeance between families, a practice that has stood the test of time.<sup>7</sup>

Hammurabi's code was followed by a number of similar legal systems developed in early societies. The Mosaic Code of the Israelites (1200 BCE) contained 613 God-given laws that guided behaviors ranging from diet to sexuality. The Roman Twelve Tables (451 BCE) were formulated by a special commission of ten noble Roman men in response to pressure from the lower classes, who complained that the existing, unwritten legal code gave arbitrary and unlimited power to the wealthy classes. The original code was written on bronze plaques, which have been lost, but records of sections, which every Roman male memorized, survive. The remaining laws deal with debt, family relations, property, and other daily matters.

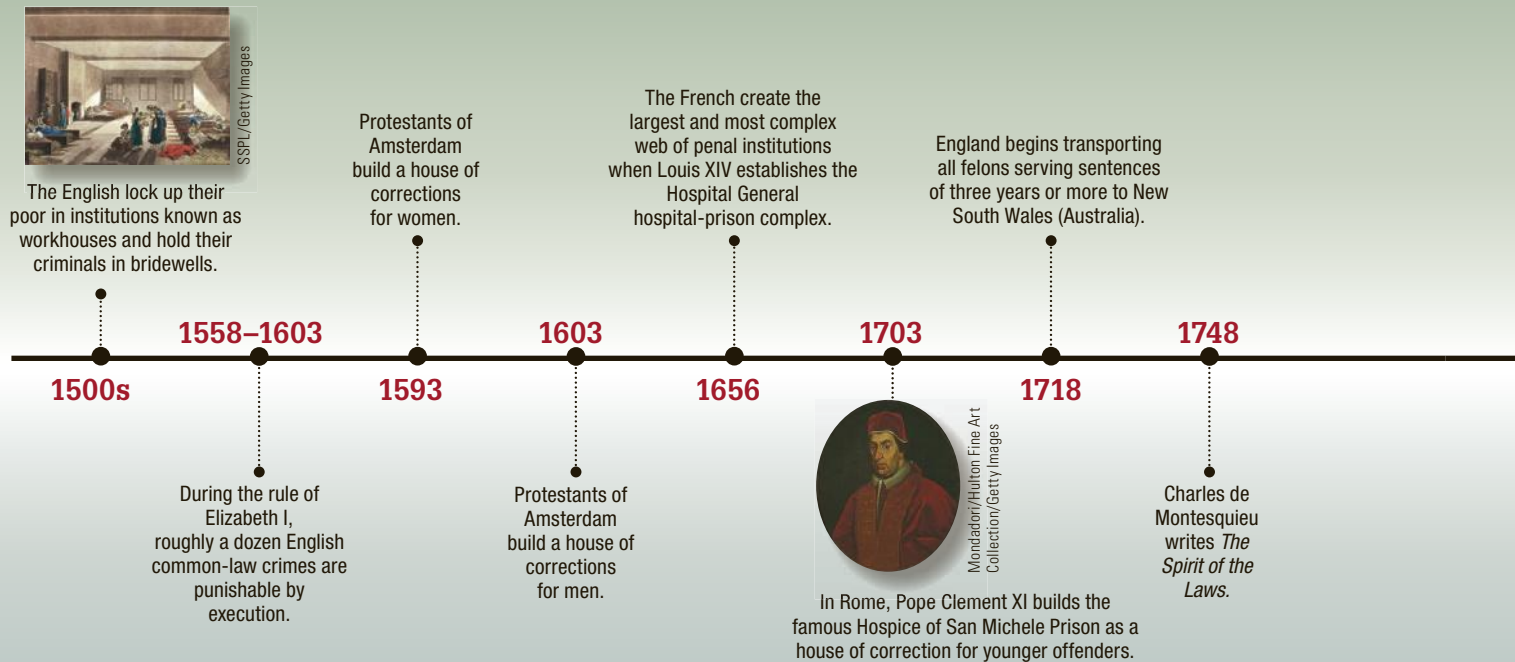
Although the early formal legal codes were lost during the Dark Ages, German and Anglo-Saxon societies developed legal systems featuring monetary compensation, called *wer-gild* (*wer* means "worth" and refers to what the person, and therefore the crime, was worth) for criminal violations. Guilt was determined by two methods: compurgation, which involved having the accused person swear an oath of innocence while being backed up by a group of 12 to 25 oath helpers, who would attest to his or her character, and claims of innocence and ordeal, which were based on the principle that divine forces would not allow an innocent person to be harmed.

**Code of Hammurabi** Law code issued during the reign of Hammurabi of Babylon. The law of *lex talionis* makes its appearance in this code, one of the first comprehensive views of the law.



DEA/G. DAGLI ORTI/Getty Images

The Code of Hammurabi, preserved on black basalt rock, set out crimes and punishments in ancient Sumeria. It was based on the concept of *lex talionis*, "an eye for an eye." Are there elements in the American legal system that seem similar to Hammurabi's code? For example, the civil law mandates that you have to pay an amount equal to the damage you caused another.



## critical THINKING

How do different forms of discipline used in the past help us to understand the historical evolution of the criminal justice system?

LO1

**monastic confinement** Prisons established by the church in the Middle Ages for those involved in acts that violated religious principles.

**bridewells** Houses of corrections run by local authorities to teach habits of industry to vagrants and idlers.

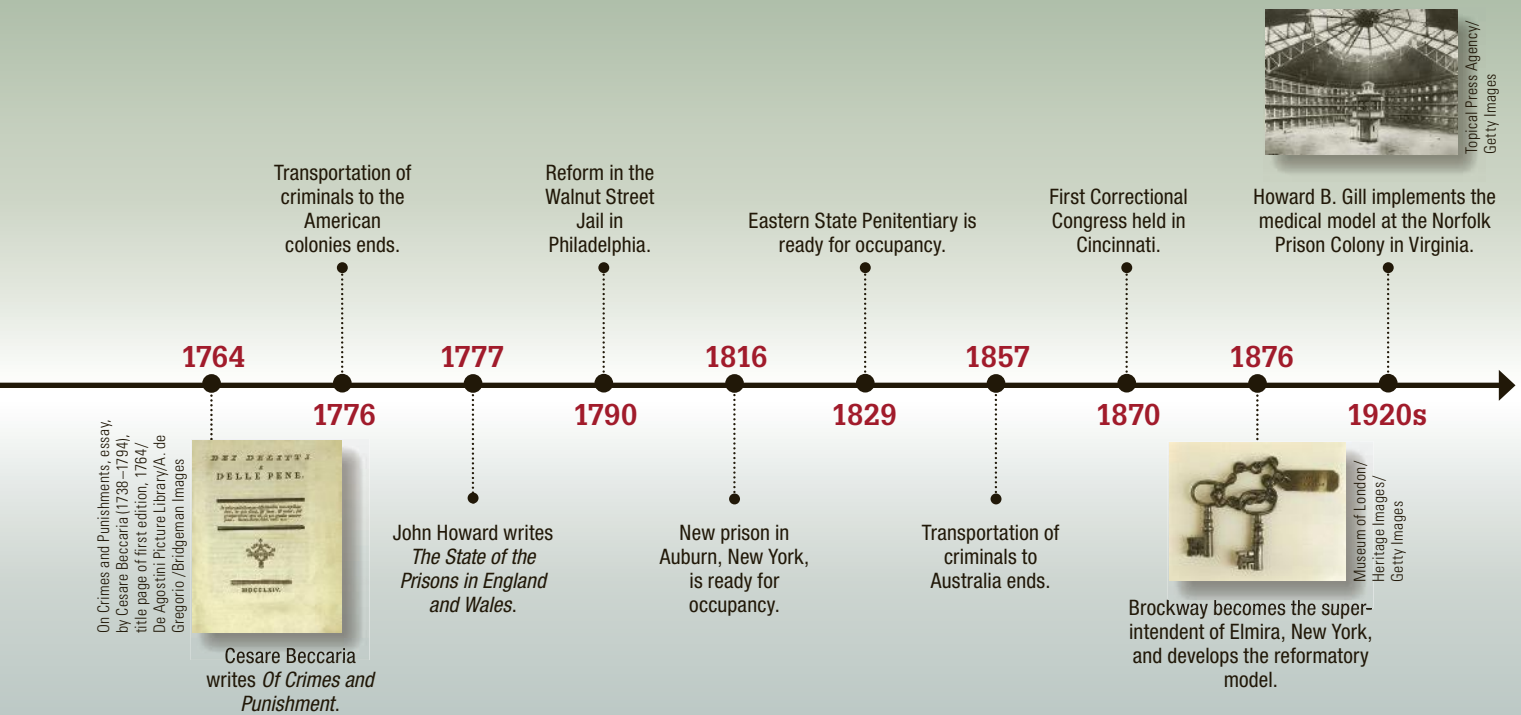
**houses of corrections** Workhouses where vagrants were forced to work to achieve the purposes of discipline and punishment.

## Punishment during the Middle Ages

A number of punishments were used for criminals in medieval Europe. The most widely used were flogging and branding, torture, servitude as galley slaves, in the gallows or for other forms of execution, and banishment and transportation. The medieval punishment of flagellation was the act of whipping (Latin *flagellum*, “whip”) or flogging the human body with implements such as rods, switches, and the cat-o’-nine-tails, nine knotted cords fastened to a wooden handle. The “cat” got its name from marks it left on the body, which resembled scratches of a cat. Flagellation likely originated in the Near East but quickly spread throughout the ancient world.

It was believed that criminals deserved severe punishments, and most of the punishments provided for torture as well. Executions were public, with large throngs gathered to enjoy the proceedings. At Mons, a city in what is now Belgium, the citizens actually bought a brigand for the pleasure of seeing him quartered—that is, pulled apart by horses drawing on his arms and legs, “at which the people rejoiced more than if a new holy body had risen from the dead.”<sup>8</sup> Criminals were seen as a community menace and an insult to God. Punishments of appalling cruelty were administered to make certain that the contrast between the riches of the few and the miseries of the many did not diminish.

Some of the first correctional institutions were developed during the medieval period and were still used in the 17th and 18th centuries. These included **monastic confinement** for violations of canon law. The monastery prison allowed religious people and clergy who violated biblical rules to make amendment for their faults in this life rather than the next. For those who violated secular law (debtors and those who had committed minor offenses) jails were used for temporary detention; **bridewells** or poorhouses, almshouses, and hospitals were intended primarily for those incapable of looking after themselves; and **houses of corrections** or



workhouses, held vagrants, beggars, and delinquents who were forced to work by way of discipline and punishment. Incarceration was not typically used as a means of correction but as a secure detention of suspected wrongdoers until they could be punished by execution, corporal punishment, or exile. Incarceration was also used to temporarily constrain the liberty of high-status people who had fallen out of favor because they were political opponents of the ruling regime.<sup>9</sup> Although minor offenders might receive corporal punishment such as whipping or branding, criminals who committed more serious offenses received sentences to the galleys and gallows or were transported to one of the penal colonies.

## Enlightenment Thinkers and the Development of Corrections

The philosophical ideas that underlie modern corrections can be traced to three Enlightenment philosophers: Montesquieu, Beccaria, and Bentham.

At a time when punishment was often quite brutal, **Charles-Louis de Secondat, Baron de Montesquieu** (1689–1755) wrote about the need to be more moderate in dispensing criminal sanctions. He contended that in a moderate and lenient government, “the greatest punishment of a bad action is conviction. The civil laws have therefore a softer way of correcting, and do not require so much force and severity.”<sup>10</sup>

**Cesare Bonesana Beccaria** (1738–1794) considered punishment a necessary evil and suggested that “it should be public, immediate, and necessary; the least possible in the case given; proportioned to the crime; and determined by the laws.”<sup>11</sup> Beccaria was a strong opponent of torture to gain confessions, arguing that it favored the guilty yet strong who could resist pain, and penalized the innocent or weak who succumbed to the agony.

**Charles-Louis de Secondat, Baron de Montesquieu** One of the founders of the classical school of criminology, who advocated the moderation of punishment.

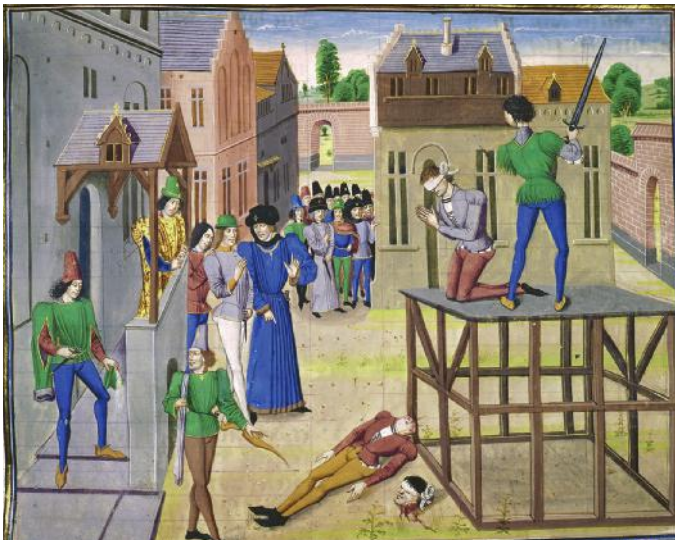
**Cesare Bonesana Beccaria** One of the founders of the classical school of criminology, who advocated that punishment should be public, immediate, and necessary.



## Exhibit 1.1

### Theoretical Constructs of the Classical School

- Human beings are rational decision makers who are responsible for their own behavior. People have free will to make choices. People act in their own self-interest.
- Punishment is justified because it serves a practical purpose: It can deter future crimes. The fear of punishment shapes and controls criminal decision making: The greater the fear of punishment, the less likely a person will commit crime.
- The aim of punishment is the protection of society, and the dominant theme is deterrence.
- People act to increase pleasure and reduce pain.
- Punishment should be painful enough to deter criminals from further offenses and to prevent others from following their negative example.
- Punishment should fit the crime. Too strict or too lenient punishments are equally harmful.
- Equal justice should be available to everyone.
- The law should be applied to people solely for what they did and not what they believe.



In medieval times, punishment was public and served as a deterrent to crime. Sometimes parents would bring their young children to an execution in order to teach them what happens to those who disobey the ruler—an early version of “scared straight.” Here a man is beheaded by an executioner with a sword during the repression of the Jacquerie, a popular revolt in France in 1358, at the time of the Hundred Years’ War.

**Jeremy Bentham** One of the founders of the classical school of criminology, who believed that the law should accomplish the utilitarian purpose of the protection of society.

**Jeremy Bentham** (1748–1832) believed that the law should accomplish some utilitarian purpose, and the socially desirable outcome from criminal sanctions was the protection of society. He contended that punishment would deter criminal behavior if it were made appropriate and proportionate to the crime.

Beccaria and Bentham believed that offenders are responsible for their behavior and should be punished, but they also believed that the goal of the state should be deterrence, not revenge. See Exhibit 1.1 for the main beliefs of what is now known as the classical school of criminology.

## The Positivist School and the Development of Corrections

In the late 19th century, a new approach to understanding the world called positivism developed, which was destined to have a significant influence on the development of corrections.

Positivism is a philosophical system that holds that assumptions about the natural world must be able to be proven scientifically, logically, or mathematically. Positivists reject opinions that are based on immeasurable concepts such as sentiment, belief, or religion. If a concept such as “intelligence” exists, it must be able to be measured scientifically, hence the development of IQ tests.

Positivists argue that the social world operates according to laws or rules like the physical world. Therefore, behavioral choices are not made freely, but controlled by social, psychological, and biological factors that (1) alter decision-making abilities and (2) can be identified through the use of social scientific techniques.

Embracing a positivistic approach social reformers of the early 20th century set out to deal with the problem of crime, confident that they knew how to find its cause. They

## Exhibit 1.2

### Assumptions of the Positivist School

- The character and personal backgrounds of individuals explain criminal behavior. Crime and deviance are controlled by individual and social-level factors, including personality issues, poverty, family conflict, and so on.
- Criminals have personal characteristics that make them fundamentally different from noncriminals. These characteristics can be identified and measured. Wayward youths and criminal adults are driven into crime by something in their physical makeup, by aberrant psychological impulses, or by a dysfunctional and damaging social environment.

felt criminals were not evil, possessed, or demented, but merely products of their environment and upbringing.

Some progressives looked first to environmental factors, pinpointing poverty as a major cause of delinquency. Other positivists were attracted to the doctrine of eugenics and believed that certain biological features drove offenders to crime. The psychological origins of crime became widely accepted. Eventually, in the 21st century, the sociological origins of crime gained traction among scholars in the field. The positivist approach to crime is set out in Exhibit 1.2.<sup>12</sup>

### The Early Prison Reformers

Eighteenth-century prisons were harsh environments. The worst felons were cut off from all contact with other prisoners; they had no hope of pardon to relieve their solitude or isolation. They were forced to remain alone and silent during the entire day, and breaking rules resulted in brutal punishments. This regime all too often led to mental breakdowns, suicides, and self-mutilations. Responding to the harsh and demeaning conditions of confinement, some leaders began to call for prison reform. **John Howard** (1726–1790), appointed high sheriff of Bedfordshire in 1773, was the first English prison reformer. Howard inspected the county prison and was shocked by the squalor in which inmates lived. He went on to inspect prisons throughout England and was particularly concerned about prisoners who were held indefinitely because they could not pay the jailer's fee—money paid to the owner or keeper of the prison for maintenance. In addition, terrible living conditions and poor hygiene produced plagues and other illnesses. Indeed, jail fever or typhus was endemic in most jails, and Howard himself died of typhus following his inspection of a jail in Russia. Before his death, Howard provided the English government with detailed proposals for improving the physical and mental health of prisoners, including where prisons should be located, the provision of clean water, proper diet, and adequate hygiene, and guidelines for hiring qualified prison personnel. He also advocated an independent inspection process to make sure reforms were being implemented.<sup>13</sup>

Prison reformer **Alexander Maconochie** (1787–1860) served as director of the prison colony on Norfolk Island in Australia. There, inmates were “doubly convicted,” having been convicted of a crime after being transported from Britain for a previous crime. Norfolk Island was considered the end of the line for both inmates and prison administrators. Instead of continuing the previous brutal treatment of prisoners, when Maconochie took up duties as commandant of the penal settlement in 1840, he set up a system where newly arriving convicts were awarded marks to encourage effort and thrift. Sentences were served in stages, each increasing in responsibility. Cruel punishments and degrading conditions were reduced, and convicts' sense of dignity was respected. In many ways, Maconochie succeeded far better than could be anticipated, but the political unpopularity of what he was doing eventually resulted in his recall to England. Maconochie left his post certainly feeling that his experiment had not worked the way he had hoped.

### for group DISCUSSION

Identify the main concepts of Montesquieu, Beccaria, and Bentham, and discuss examples of these concepts that you find in today's corrections system. What has changed since the days of Enlightenment thinking? What hasn't changed?

**LO2** Define the early prison reformers and what they contributed.

**John Howard** English sheriff who advocated jail reform.

**Alexander Maconochie** Served as director of the prison colony in Australia and set up the “mark” system.

**Walter Crofton** Prison reformer who developed the Irish mark system, which eventually spread to the United States and influenced the development of parole.

**Irish mark system** A system in which prisoners received “marks of commendation” for completing assigned tasks. They could use the marks to buy food and clothing. Prisoners who accumulated enough marks received a ticket of leave.

**Walter Crofton** (1815–1897), a retired army officer, developed what became known as the **Irish mark system**, an innovation that made him a celebrity in international penology circles. Crofton believed in reformation, and inmates could earn early release or “tickets of leave” if they demonstrated achievement and positive attitude change. The system applied to convicts serving terms of three years or more. It was separated into three stages. The first stage lasted eight or nine months, depending on the man’s conduct. The second stage included four classes, and in each class, a prisoner had to earn marks for a maximum of nine per month. The third stage was spent at Lusk Commons, where convicts were housed in dormitories and given vocational training to fit them for employment when finally released. Crofton argued that the Irish mark system induced convicts to cooperate in their own “amendment” or rehabilitation:

He cannot ignore the conviction . . . that the system, however penal in its development is intended for his benefit, and that, moreover, it has by its stringent regulations and arrangements after the liberties of the convict . . . made the volition of crime very unprofitable and hazardous to follow.<sup>14</sup>

Aided by widespread foreign interest, the Irish or Crofton’s system became the standard in England. It was adopted at the Elmira Reformatory in the 1870s in the United States, and parole, as it was called in America, soon spread across the nation.<sup>15</sup> Chapter 11 discusses the Irish mark system in more detail.

## The Origin of Corrections in the United States

American corrections was shaped by our own culture, and also what was taking place in Europe. For the most part, punishments were derived from European methods, which featured harsh criminal codes and often sadistic punishments. But the idealism and social activism upon which the American colonies were founded led to the development of distinctly American legal practices, such as the penitentiary.<sup>16</sup>

**The Quakers and Criminal Law** After the adoption of the Declaration of Independence, the Pennsylvania legislature repealed the British laws that the colonies had enacted. A series of statutes abolished capital punishment for all crimes other than first-degree murder.<sup>17</sup> For the major felonies, terms of imprisonment were provided. Fines or jail terms replaced the whipping post, the pillory, and the stocks. A system of state prisons was established to accommodate felons avoiding the gallows under the terms of the new laws. It has been argued that “a more thorough transformation in the character of a penal code, by peaceful legislation, is not recorded in the world’s history than that which took place in Pennsylvania during the eighteen years immediately following the Declaration of Independence.”<sup>18</sup> Inmates began to be held in the city jails, including a new one located on Walnut Street in Philadelphia.

**Pennsylvania Prison Society and the Walnut Street Jail** Although the new laws were considered humane, public reaction against the display of convicts on the streets of the city and the disgraceful conditions in city jails led to the formation in 1787 of the Philadelphia Society for Alleviating the Miseries of Public Prisons (renamed the Pennsylvania Prison Society in that same year).<sup>19</sup> Members of the society were appalled by the overcrowded, unsanitary, and corrupt conditions of the Walnut Street Jail and appealed to the legislature for reform. In 1790, an act was passed that brought about sweeping reforms. The act authorized a penitentiary house with 16 cells to be built in the yard of the jail to carry out solitary confinement with labor for “hardened atrocious offenders,” thus removing them from the general inmate population.<sup>20</sup>

**Development of the Penitentiary** Pennsylvania's major innovation in penal reform, the **penitentiary**, had actually a long process of development.<sup>21</sup> The word *penitentiary* was first used in the English Penitentiary Act of 1779, which authorized the building of national penitentiaries in which convicts would be kept in order with strict discipline and hard labor. But the buildings were never actually constructed. Not until 1818 did the legislature authorize construction of two new prisons, one called the Western Penitentiary near Pittsburgh and the Eastern State Penitentiary in Philadelphia.<sup>22</sup> The American version of the penitentiary was designed to isolate people found guilty of a felony from normal society. It was believed that penitence, pastoral counseling, and reasonable discipline would correct antisocial behavior.

The Western Penitentiary was completed in 1826 and was in use until demolished in 1880; a new facility was constructed in 1882 and is still in use today, renamed State Correctional Institution–Pittsburgh.

The **Eastern State Penitentiary**, finished in 1829, became a model for prisons in several European countries. It had a radial design, with seven wings, each containing 76 cells, radiating from a central hub, where control personnel were stationed (see Figure 1.1). Each cell was 12 feet long, 8 feet wide, and 10 feet high, designed for single occupancy.<sup>23</sup> A separate exercise yard, in which prisoners were allowed to be in the open air for an hour a day, was provided adjacent to the cell. Cells were separated by stone partitions 18 inches thick, which effectively prevented communication from prisoner to prisoner. Solitude was the goal, and prisoners spent their days alone. Even at compulsory chapel services they could not see one another, because they were seated in chairs that looked like upended coffins. The building was a massive fortress, resembling a medieval castle, intended to deter would-be offenders.

These two institutions became the locus of the **Pennsylvania model**, a penal system based on the belief that most prisoners would benefit from the experience of incarceration.<sup>24</sup> However, within a few years, when crowding became a problem, prisoners were doubled up in cells and solitude was no longer possible. It was not long before the conditions of imprisonment at the Eastern State Penitentiary were investigated, and charges of brutality were launched and substantiated against it at hearings that took place in 1834.<sup>25</sup> By the end of the Civil War, the penitentiary's population had reached 1,117 prisoners.<sup>26</sup> Eastern underwent many renovations over the years, new wings were built, and many famous inmates became residents, including Chicago's mob boss Al Capone, who spent eight months at Eastern State between 1929 and 1930. Arrested for carrying a concealed deadly weapon, this was Capone's first prison sentence. His time in Eastern State was spent in relative luxury. His cell on what is called the Park Avenue Block had fine furniture, oriental rugs, and a cabinet radio, all of which remain in the cell to this day. By the 1960s, the prison was in need of costly repairs. The Commonwealth closed the facility in 1971, 142 years after it admitted Charles Williams, prisoner number one.<sup>27</sup>

**The New York Penal System** In 1796, New York enacted legislation abolishing capital punishment for all offenses other than first-degree murder and treason. To accommodate felons who now would do time rather than be subjected to flogging or the gallows, Newgate Prison was built in 1797 in what is now Greenwich Village in Manhattan. A crime wave at the end of the War of 1812 led to overcrowding at Newgate Prison, and in 1816 the legislature authorized a new prison in the western New York town of Auburn. It became a model for maximum-security prisons. When Auburn filled up in 1825, the legislature authorized the building of Sing Sing Prison at Ossining on the Hudson River. Sing Sing was built in three years by convict labor, except for three civilians—a master carpenter, a blacksmith, and a mason.<sup>28</sup>

Two years after the completion of the prison at Auburn, a new wing was built that became famous as the **Auburn cellblock**.<sup>29</sup> Prisoners assigned to this block, first occupied Christmas Day in 1821, were not allowed to work nor were they permitted

### LO3

Articulate how the Pennsylvania and Auburn models differ from one another.

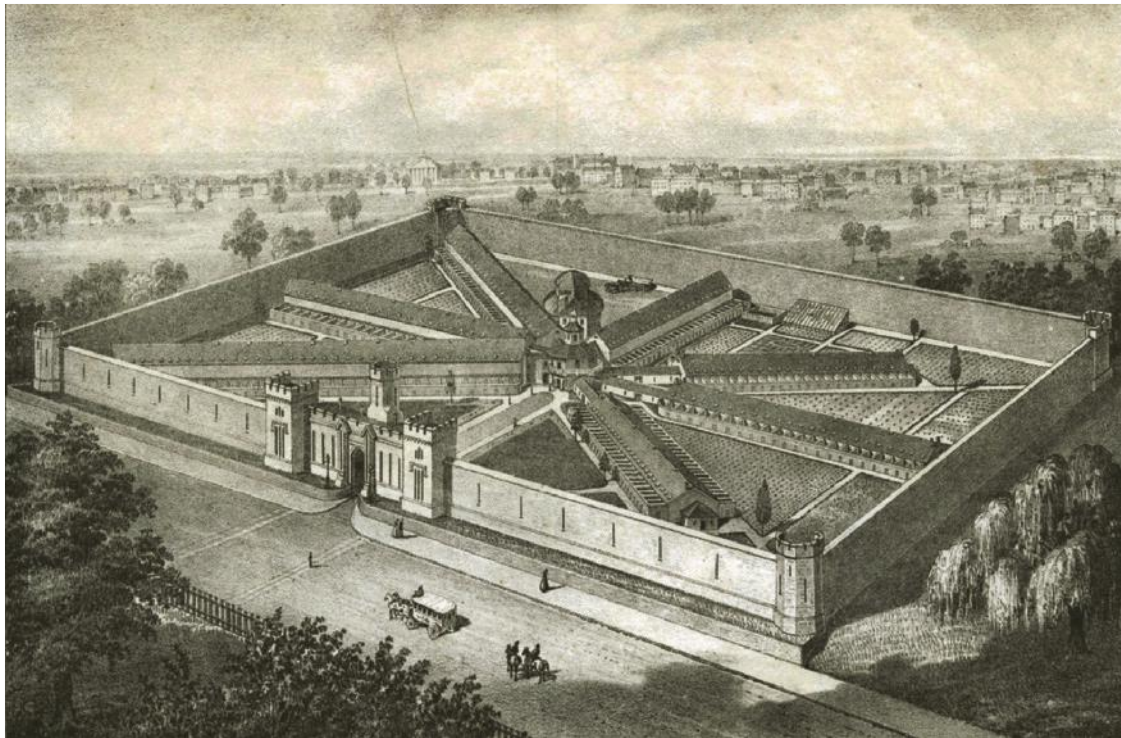
**penitentiary** A prison in which people found guilty of a felony are isolated from normal society.

**Eastern State Penitentiary** A fortress-like prison in Philadelphia consisting of seven wings radiating from a control hub. Prisoners were kept in solitary confinement. It became a model for prisons in several European countries.

**Pennsylvania model** A penal system based on the belief that most prisoners would benefit from the experience of incarceration.

**Auburn cellblock** An austere prison setting in Auburn, New York, in which inmates were made to endure great suffering.





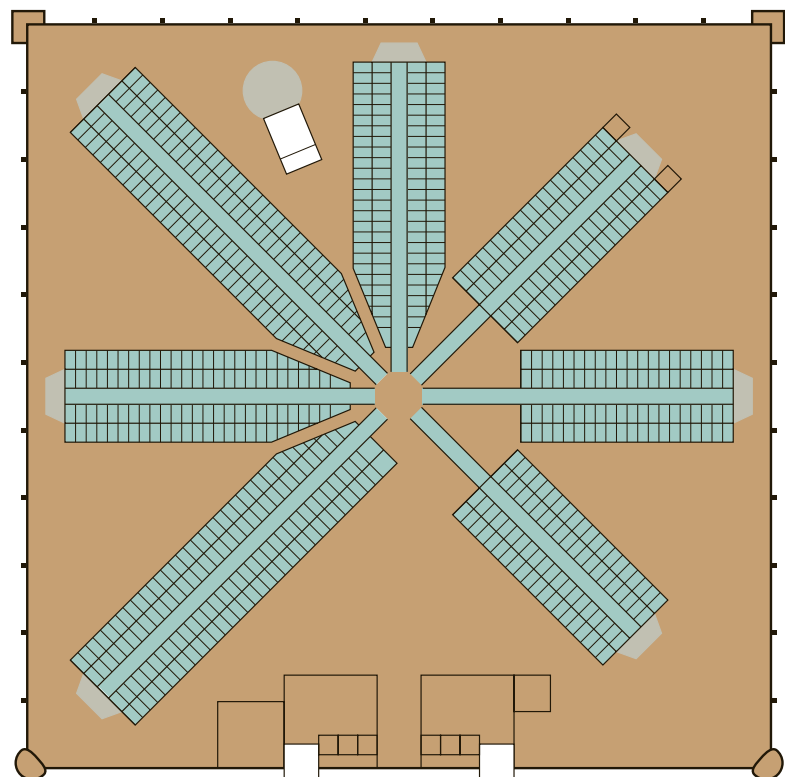
PA Collection/Alamy Stock Photo

**FIGURE 1.1**

### The Layout of Eastern State Penitentiary in Philadelphia

An early print showing the “hub and spoke” model of prison design. In this model, guards could patrol the penitentiary from a central location. A floor plan of Eastern State Prison, created in 1836. The prison would see additions over the next century.

Source: Based on Norman Bruce Johnston, Kenneth Finkel, Jeffrey A. Cohen, and Norman Johnson, *Eastern State Penitentiary: Crucible of Good Intentions* (Philadelphia: Philadelphia Museum of Art, 1994).



**Auburn silent system** A system first used in the prison in Auburn, New York, that demanded silence from all prisoners at all times, even when they were eating or working together.

to sit or lie down during daylight hours.<sup>30</sup> The rationale for this austere program was to make incarceration so unpleasant that inmates would never dare reoffend.<sup>31</sup> Suicides, attempted murders, and various mental and physical infirmities attributed to the requirement that men be on their feet all day became so prevalent that this regimen was ended in 1825.

Auburn officials were committed to the idea that solitude is essential to prison discipline. The challenge was to maintain solitude while large numbers of prisoners were eating, working, and moving together through the prison. An ingenious deputy warden, John D. Cray, found a solution that became known as the **Auburn silent system**. It was the successful alternative to the Pennsylvania model, and, like the Auburn cellblock, was the basis of practical penology until the mid-20th century. This system demanded silence from all convicts at all times. They marched in lockstep from the cellblock to the mess hall and to the factory. With right hand on the right shoulder of the person immediately ahead, face turned toward the watching guards, each convict in the platoon of silent offenders was watched for any attempt to communicate.<sup>32</sup> The prison was renamed the Auburn Correctional Facility in the 1970s and is still in use today.



Monica Wells/Alamy Stock Photo

Al Capone was one of the most famous residents of the Eastern State Penitentiary. His cell is still furnished as it was when he served time. You can visit it today if you take a tour of the penitentiary, a fascinating experience.

Both the Pennsylvania and Auburn systems must be seen as an attempt to meet the urgent requirements of justice. The Pennsylvania system had the merit of adopting Bentham's goals of the reformation and deterrence of the offender. The Auburn system, in contrast, was a pragmatic effort to administer the processes of punishment as thriftily as possible. The pragmatics of the times called for measures that we would now see as unacceptably brutal but that were tolerable in an age when criminals were thought to be uniformly defective in mind and morals.

**The Rehabilitation Movement Begins** In 1870, a group of reformers, including wardens and politicians, unhappy with the Auburn system, convened the leading figures in penology to hear proposals for change in the management of prisons. The **First Correctional Congress**, held in Cincinnati in 1870, was carefully planned and chaired by Ohio's Governor Rutherford B. Hayes, who was later to become the 19th president. Speakers from the United States and abroad were invited to present new and progressive ideas, such as giving prisoners educational opportunities and religious instruction. Practical prison men from 22 states, Canada, and Latin American nations enthusiastically "rose above the monotony of four gray walls, men in stripes shuffling in lockstep, sullen faces staring through the bars, coarse mush and coffee made of bread crusts, armed sentries stalking the walls. They forgot it all and voted their remarkable Declaration of Principles."<sup>33</sup>

The Declaration of Principles passed by this correctional congress emphasized that the reformation of prisoners should be the goal of corrections. To achieve it, prisoners should be classified on the basis of a marks system, rewards should be provided for good behavior, and indeterminate sentences should be substituted for fixed sentences. The prison's aim should be to create industrious free men, rather than orderly and obedient prisoners. Prisons should be small, and separate institutions should exist for different types of offenders.<sup>34</sup>

**The Reformatory Model at Elmira** **Zebulon Brockway**, warden of the Detroit House of Correction, attended the First Congressional Congress and presented a paper entitled "The Ideal Prison System for a State." In this paper, he urged that the very word *prison* be stricken from the statutes: "The true attitude of government is that of guardian; its true function to shelter, shield, help, heal."<sup>35</sup> In 1876, Brockway became superintendent of the Elmira Reformatory in New York, where his proposals for a model reformatory were to have free rein.

The first large prisons to hold convicted criminals can be traced back to European dungeons of the Middle Ages.

#### MYTH

#### FACT

Before their creation in the United States, penal institutions were used mostly to house criminal defendants before their trial, while they arranged to pay back a debt, or while they were awaiting execution. The use of prison for punishment and reform is an American invention.

#### First Correctional Congress

A congress held in Cincinnati in 1870 to present progressive ideas about corrections, which resulted in the formulation of the Declaration of Principles.

#### LO4

Explain how reformatories contributed to the rehabilitation model.

#### Zebulon Brockway

Superintendent of the Elmira Reformatory in New York.





## critical THINKING

List the primary features of the Pennsylvania and Auburn systems of imprisonment. What are the pros and cons of these system models? What features from the Pennsylvania and Auburn systems have carried forth into today's prison systems?

LO3

**reformatory model** A penal system for youthful offenders featuring indeterminate sentencing and parole, classification of prisoners, educational and vocational training, and increased privileges for positive behavior.

**medical model** The idea that criminality is a sickness that can be cured through psychological intervention.

**Howard B. Gill** Developed the “scamp” system at the Norfolk Prison Colony in Virginia.

Brockway felt strongly about the merits of what has been called the **reformatory model**. He advocated indeterminate sentencing as “quite indispensable to the ideal of a true prison system” and an essential part of his rehabilitative model.<sup>36</sup> Admission was restricted to first offenders between the ages of 16 and 30. All inmates received an indeterminate sentence—no minimum sentence but a statutory maximum. The program was aimed at changing the prisoners’ character, and the superintendent would then decide when the change in the convicts’ character justified release. All releases were conditional, and discharge depended on conduct while under supervision in the community over a period of six months.

Elmira was the first correctional institution to pay wages to prisoners as a reward for diligence and productivity. From their wages, inmates paid for room and board, clothing and other necessities, and medical care. The economics of the system were arranged so that at the time of discharge prisoners would have some money to their credit. The Elmira program was emulated in 12 other states by the turn of the 20th century and in 11 more by 1933, despite growing doubts about the success of the system.<sup>37</sup>

The reformatory model made some lasting contributions to corrections, including and not limited to the system of indeterminate sentencing, the payment of inmates for work, the supervision of inmates in the community, a system of behavior modification, and the development of what later came to be parole.

**The Medical Model of Rehabilitation** By the 1920s, the **medical model** was implemented in correctional institutions throughout the United States. Many correctional authorities looked forward to a time when the diagnosis and treatment of criminals would match the successes of modern medicine. The prison would become an analogue to the hospital. Cures would be found for most if not all forms of criminal behavior.

One of the earliest advocates of the treatment prison was **Howard B. Gill** (1889–1989), who proposed that the Norfolk Prison Colony in Virginia rehabilitate offenders by curing criminals of the “disease of crime.” He carried the hospital metaphor even further. Hospitals had to diagnose

before treatment could be initiated, so he devised a classification system for sorting out the “mental diseases” from which his inmates suffered. This was a “scamp” system, an acronym for five categories of convicts: situational offender, custodial (old and senile), asocial cases, medical (handicapped, deformed, tubercular), and personality (psychotics, neurotics, and those with personality difficulties). However, in the aftermath of an escape attempt by a team of inmates, a successful escape by two inmates, and increasing institutional disorders, Gill was dismissed.<sup>38</sup>



epa european pressphoto agency b.v. / Alamy stock photo

Life is tough on the chain gang. The Estrella Jail was built in 1991, is modular/dormitory in design, and holds approximately 1,000 inmates, predominantly female. The jail has a fully staffed and equipped medical clinic, a nondenominational chapel area for religious services, and three classrooms where inmates can attend educational, drug rehabilitation, or life-skills classes. It is also home to the only female chain gang in America. Inmates stay in their tiny 8-foot by 12-foot cells 23 hours of the day during lockdown, unless they are out on assigned chain gang duty. The inmates must memorize 10 rules of conduct, addressing grooming, behavior, and attitude. Chain gang and other privileged duties can be suspended for infractions such as swearing. The chain gangs work six days a week contributing thousands of hours of free labor to the community. The tough regimen is viewed by jail administrators as a means of rehabilitating the inmates through hard work.

## Corrections in the 20th Century

By the 20th century, community-based corrections had sprouted in nearly every state and included pretrial release and diversion, probation, residential and reentry programs, and parole. Some reformers actually believed that it might even be possible to phase out correctional institutions and to place all offenders in community-based programs.

That dream has never been achieved; prisons remained harsh and brutal. Many were ruled with an iron hand by wardens who practiced control rather than treatment and rehabilitation. Specialized prisons designed to treat particular types of offenders were developed. In New York, the prisons at Clinton and Auburn were viewed as industrial facilities for hard-core inmates, Great Meadow was an agricultural center for nondangerous offenders, and Dannemora became a facility for the criminally insane. In California, San Quentin housed inmates considered salvageable by correctional authorities, and Folsom was reserved for hard-core offenders.

A number of significant changes took place in 20th-century corrections: the dramatic rise in prison populations, increasing rates of prison violence, the prisoners' rights movement, increasing reliance on correctional technology, employment of modern management techniques, and the creation of the private correctional facility. Each of these issues will be discussed in detail in the following.

## Dramatic Rise of Prison Population

A factor that helped shape correctional administration in the 20th century was the onset of a rapid and sustained rise in the adult prison population. The population explosion produced overcrowding, resulting in increased tensions and violence within the prison, double and sometimes triple celling of inmates, the inability to provide sufficient programs and jobs for those inmates who desire them, and the demoralization of staff as well as their increased risks.

This period of **mass incarceration** has resulted in a prison population of more than 2.2 million men and women serving time in jails and prisons in the United States. What this means is that nearly 1 in every 50 adults in the population are behind bars. No other nation in the Western world has such a high proportion of its population in a correctional facility; with 5 percent of the world's population, the United States has nearly a quarter of the total prison population. The U.S. incarceration rate of more than 724 per 100,000 is 5 to 12 times the rate of western European countries and Japan.<sup>39</sup>

**mass incarceration** A term given to the high rates of incarceration in the United States.

Since 1995 there has been nearly a 40 percent increase in the inmate population with a 33 percent increase in male prisoners and a 51 percent increase in female prisoners.<sup>40</sup>

Mass incarceration has resulted in a nationwide problem of prison overcrowding. However, a closer examination reveals that the rate varies significantly from one region to another and from one state to another. The South has the highest rate of imprisonment, followed by the West, Northeast, and Midwest.<sup>41</sup> The Federal Bureau of Prisons has the largest number of inmates, followed closely by California and Texas; these three jurisdictions have nearly 34 percent of the U.S. prison population. See Table 1.1 for the number of federal prisoners and those in the largest state jurisdictions.

Not surprisingly, the three largest states—California, Texas, and Florida—have the most inmates. New York, however, has half as many prisoners as Florida, though the states are very close in population. Crime rates and sentencing policy can have a significant impact on prison populations.

## Explosion of Prison Violence

Prison violence continues to be an ongoing problem and can be exhibited in many different formats, ranging from verbal abuse to physical assaults. The prison environment combines a number of factors that contribute to what can be called a controlled war among inmates. During imprisonment, many men and women lose hope and feel alienated from their families and other inmates. Of those who feel isolated, some break, direct their hostilities and frustrations toward themselves, and try to take their own lives.

**Table 1.1****Largest Jurisdictions of Prisoners Under the Jurisdiction of State or Federal Correctional Authorities****Number of Prisoners**

---

Federal Bureau of Prisons 215,866

---

---

Texas 168,280

---

---

California 135,981

---

---

Florida 103,208

---

---

Georgia 54,004

---

---

New York 53,550

---

---

Ohio 51,729

---

---

Illinois 48,653

---

---

Michigan 43,759

---

Source: E. Ann Carson, *Prisoners in 2014* (Washington, DC: U.S. Department of Justice, September 2015), p. 3.

---

The expressions of prison violence include inmate disturbances that are sometimes nonviolent and sometimes violent. Nonviolent disturbances include hunger strikes, sit-down strikes, work stoppages, voluntary lockdowns (staying in one's cell even when the cell door is open), excessive numbers of inmates reporting for sick call, and grievances by nearly everyone in a cellblock or even in the entire institution. Violent inmate disturbances include crowding around a correctional officer and intimidating him or her so that a disciplinary ticket is not written; assaulting officers; sabotaging the electrical, plumbing, or heating systems; and burning or destroying institutional property. There are group acts or riots in which inmates attempt to take control, with or without hostage, of a cellblock, a yard, or an entire prison.

## Prisoners' Rights

Until the 1960s, U.S. prisoners were deemed to have no rights and were regarded as slaves of the state. However, the civil rights movement and the women's rights movement had an impact on the correctional system. The prevailing wisdom was that all citizens enjoyed equal rights under the law. Why then should inmates be deprived of freedom of religion, speech, assembly, and so on? Both state and federal courts became extensively involved in rulings on prisoners' rights and case decisions guaranteed inmates a growing basket of civil rights, ranging from the right to practice their religion to ones that prohibited correctional authorities from using cruel and unusual punishments such as extensive use of solitary confinement.

## Rise of Modern Management

The Federal Bureau of Prisons was created in 1930, and the bureaucratization of corrections took place after World War II, when governors and state legislatures demanded the creation of management systems that would ensure the control of prisons through accountability. Departments of corrections were now headed by directors or commissioners who were appointed by the governor and who, in turn, would supervise wardens or superintendents of correctional institutions. The types of prisons increased to include minimum-security, medium-security, maximum-security, and supermax.

Today, the norm for planners and correctional administrators in many jurisdictions is to use the research on evidence-based programs to design programs that work with offenders. **Evidence-based programs** rely on careful analysis of program outcomes using scientifically approved methods, and are designed to discover which programs work with which offenders, in what types of settings, and in what frequency of treatment. One of the tenets of evidence-based practices is “targeted interventions.” This principle essentially states that a jurisdiction’s most expensive and intensive resources should be directed to those offenders who pose the highest risk to reoffend. Throughout this text, we will focus on some of the most effective evidence-based programs.

**evidence-based programs** This approach is an analysis of programs with scientifically approved methods to discover what works with which offenders.

## Increased Use of Technology

Today, technology is called upon to control offenders in both prisons and community-based corrections. For example, electronic monitoring (EM) is increasingly seen as a means of punishing high-risk offenders. In addition to the traditional methods of security and control, the correctional system is entering a new phase of technocorrections, which involves using technology rather than personnel to monitor prison populations.

## Turning Increasingly to Privatization

Private operations were involved in community-based programs long before the 20th century, but in the 20th century private corporations began to operate correctional facilities. Companies such as the Corrections Corporation of America, the GEO Group (formerly Wackenhut Corrections), and Cornell Companies presently operate more than 260 correctional facilities that house nearly 100,000 adult offenders.

# The Purpose and Function of the Corrections System Today

**LO5** Discuss the purpose of corrections.

After this long history, the contemporary correctional system has emerged as an institution that serves to provide sufficient consequences to individuals convicted by the courts for violating the law so that the public will be protected, fear of crime will be reduced, and offenders are given a chance to reform. Over the centuries, these goals have taken on various meanings and emphasis. Consequently, the tactics used to achieve correctional goals have shifted from one generation to the next.

The general public’s reaction to crime has a major influence on the types of punishable behavior and the punishments that are acceptable at a given time. Today, the public’s reaction to crime, intensified by the fear of terrorist attacks and mass murderers such as Dylann Roof, has encouraged a conservative, hard-line approach to corrections even though the actual crime rate has been in decline. This approach affects the number of offenders sent to correctional institutions and the duration and severity of their punishments. In this climate of fear, we should not expect a great deal of public sympathy for those who commit violent crimes.

Although the correctional system may be used for punishment, it is also a venue for treatment and rehabilitation. In the midst of the sanctions given offenders because they have harmed society, some individuals work with offenders to help them become productive, law-abiding citizens. It is important to examine their roles and how they do their jobs. There are, of course, sad stories of corruption, abuse, and incompetence, but there are also thrilling stories of those who pursue integrity in everything they do.

## Why Do We Punish?

The purpose of punishment—or what rulers, legislatures, and judges claimed was the purpose—has changed over time. Depending on the era and the culture, offenders were subject to extremely harsh physical punishments; they were hanged, decapitated, tortured, mutilated, incarcerated, ostracized, publicly humiliated, or otherwise restrained from the enjoyment of life and freedom. Although the cruel and public punishments of years past are usually no longer found today, incarceration for life and execution are still routinely used for those committing the most serious crimes.

What are the justifications for punishment in contemporary society? What purpose is served when a fellow human being suffers punishment? After all, punishment involves applying pain, often long after the evil deed has been committed. At its core, criminal punishments result in harm to another human being—something that is in opposition to the moral values of modern society. Nonetheless, criminal punishment is considered justified because it is applied by (1) a duly authorized governmental body on (2) somebody who has violated the laws of society. Yet, how can a practice that results in the loss of personal liberty and freedom be justified in a nation such as ours? Punishment is considered justified in modern society for the following reasons:

- *Punishing law violators provides beneficial consequences.* Although it can be harsh and demeaning, punishing law violators is believed to create benefits for law-abiding citizens. Both the threat and application of criminal punishment are cost-effective means to an end: protecting the public, preventing disorder, and reducing social harm. Some might argue that although punishing people to improve society may be effective, it sometimes presents a moral dilemma: Would it be just and fair to execute a mentally ill criminal even if his execution helped lower crime rates? Those who believe that punishment is justified by its consequences counter that it is aimed at controlling harmful behavior. To paraphrase Mr. Spock (in *Star Trek II: The Wrath of Khan*), “The needs of the many outweigh the pain of the few.” According to this view, even a morally unjust punishment—isolating and torturing terrorists in a harsh prison—is justified if it produces beneficial consequences: locating a deadly bomb that was planted. Critics might retort that it is unlikely that people willing to apply immoral and draconian punishments such as torture could be trusted to do so in a just and fair manner.
- *Punishment is deserved.* Criminal sanctions are justified because those who voluntarily break the law forfeit some of the rights citizens claim. They are **blameworthy**: Their wrongdoing justifies treatment that under other circumstances would be considered coercive and/or a violation of civil rights, such as imprisonment or confiscation of wealth. According to the **just deserts** philosophy, punishment is justified only when it conforms to what the guilty deserve, no more and no less. Because law violations involve taking an unfair advantage over those who obey the law, the purpose of punishment is to remove or neutralize any benefit gained through illegal activity. A person who does not pay his proper share of taxes gains an unfair advantage over another who meets this civic burden. The tax cheat can use his excess wealth to invest and make even more money. It would be fair not only to demand the taxes he owed originally but to penalize him further to recover his ill-gotten gains from having use of the funds denied to the upstanding and law-abiding taxpayer.
- *Punishment expresses public outrage.* Criminal punishment is a method of expressing public outrage over the commission of a heinous crime. Because such wrongdoing provokes anger and sorrow, the public demands that the perpetrator suffer to “pay for their sins.” Although private citizens may seek *revenge* for the pain they feel, the public demands **retribution** for its collective grief by forcing those who caused it to suffer in turn. In this sense, punishment embodies and expresses the public’s moral indignation aroused by crime and the anger toward its perpetrator. State-sponsored punishment justifies the people’s anger. By taking responsibility

**blameworthy** The law defines that a person is criminally liable for his or her behavior.

**just deserts** Punishment that is commensurate with the seriousness of the offense or the harm done.

**retribution** Something given or demanded as repayment for wrongdoing; “getting even” for violating the social contract on which the law is based.



for retribution, the state eliminates the need for personal vengeance and the social chaos that follows in its wake.

- *Punishment teaches a lesson.* By punishing wrongdoers, the state demonstrates its disapproval of their behavior and in so doing teaches them not to repeat their misdeeds. Just as a parent punishes a misbehaving child so she won't repeat her behavior, so too does the government punish a citizen who violates its rules. The educative effect of punishment is not lost on the general population: There are serious consequences if you dare to engage in acts reviled and condemned by society.
- *Punishment helps maintain the government, the social structure, and society.* A state cannot survive unless it maintains a set of rules that create, support, and protect its structure and process. As the government becomes more structured, these rules are formalized into laws designed to control behaviors that threaten state security and well-being. The law provides that people may be corrected or punished if they engage in socially proscribed wrongs—conduct that is condemned as wrong and threatens the social norm. The American economic system, based on capitalism and free enterprise, could not exist without laws protecting private property and protecting businesspeople from fraud and embezzlement. Because criminal laws are designed to protect the social fabric, defendants must answer not just to individual victims but to the whole polity through its criminal courts.

## Goals and Philosophy of Punishment

Although criminal punishments are ideally designed to maintain the social order, there is no single vision of who should be punished, how the sanctions should be administered, and the ultimate goals that justify the application of punishment. Concepts are constantly shifting, reflecting the social, economic, and political realities of the time. Today, the objectives of criminal punishment can be grouped into seven distinct areas: general deterrence, specific deterrence, incapacitation, rehabilitation, retribution/just deserts, restoration, and equity/restitution. Each is discussed as follows in some detail.

### General Deterrence

Deterrence is a goal of punishment designed to prevent others from committing similar crimes. The public application of punishment produces a **general deterrent effect**, designed to signal the community at large that crime does not pay. The logic is quite simple: By severely punishing those people convicted of crime, others who are contemplating criminality will be frightened, and ultimately discouraged from their planned actions; they are deterred from crime.<sup>42</sup> People, the argument goes, would be foolish to commit crime if they see another person languishing in prison or actually being executed for the same offense and believe they will suffer the same fate if they dare commit crime.

The state's need to deter criminals, however, must be balanced against the mandate to dispense fair and equal justice to all citizens: Punishment that is too severe would violate the Fifth (due process) and Eighth (cruel and unusual punishment) Amendments to the U.S. Constitution; punishments that are too lenient may encourage criminal conduct. In addition, unfair sentences may provoke anger, revenge, and disrespect for the law; they may also result in more serious crimes. For example, what would happen if the crime of rape were punished by the death penalty? Though some potential rapists might be deterred, others might be encouraged to kill their victims to avoid identification because a conviction for either murder or rape produced the same consequences.

The effectiveness of general deterrence is compromised by the ability of the criminal justice system to effectively identify, apprehend, and punish criminals. To be an effective deterrent, punishment must be certain: People must believe if they violate the law, they will almost certainly be caught, convicted, and punished. But typically only 20 percent of all recorded criminal acts result in arrest, and only about



#### WEB APP 1.1

Conduct a case study by finding articles about Michael Fay, who in 1994 pleaded guilty to several acts of vandalism in Singapore. What happened to him? Do you agree with the punishment? Could you ever see a punishment like this used in the United States? Why or why not?

LO6

LO7

Discuss the theories of punishment.



#### for group DISCUSSION

In your group, discuss what you believe the goals of punishing criminal offenders should be. Identify the "values" you think are contained in those goals.

LO6

**general deterrent effect** The idea that punishing one person for his or her criminal acts will discourage others from committing similar acts.



#### for group DISCUSSION

Work together in small groups to (1) create a definition for deterrence and (2) consider how you would go about measuring deterrence (in communities and individuals).

LO7



The fear of punishment can deter crime. The more harshly we punish crimes, the less likely people will risk committing criminal acts.

#### MYTH

#### FACT

The association between crime and punishment is less than clear-cut. Many criminals are not apprehended, neutralizing the effect of punishment. For some crimes, relatively few offenders are ever caught or punished. If expected punishments could increase, crime rates might go down.

20 percent of arrestees wind up in prison, so the ability of punishment to deter crime is undermined by lack of system effectiveness and efficiency.<sup>43</sup> Most offenders are never arrested, and many who are arrested have their cases dropped. Still other offenders are given community-based sanctions rather than prison sentences. For some crimes, such as larceny, relatively few offenders are ever caught or punished.

Another problem is that deterrence works for some people and some crimes more than others; deterrence is rarely an all-or-nothing proposition.<sup>44</sup> The most significant deterrent effects can be achieved on minor petty criminals, whereas more serious offenders such as murderers are harder to discourage.<sup>45</sup> If the chances of getting caught and punished are relatively small, and punishment does not deter crime per se, why have crime rates been dropping? Some criminal justice experts reason that the recent decline in crime rates is due to the fact that criminal penalties have been toughened for many criminal offenses. They find that once individuals are arrested, they have a greater chance of being convicted than in the past, which is referred to as *expected punishment*; this can be defined as the number of days in prison that a typical offender can expect to serve for each crime committed.<sup>46</sup> It stands to reason that the likelihood of being apprehended and convicted, as well as the length of sentences, influences offenders' expected punishments. Crime rates fell significantly when expected punishments rose.

The percentage of convicted offenders who receive a prison sentence has been declining recently, and the number of people behind bars has actually declined in the past year.<sup>47</sup> Cost cutting and budget deficits may consciously or unconsciously encourage some judges to rely more on community sentences such as probation that are significantly less expensive than jail or prison. If this trend holds true, crime rates may begin to rise as potential criminals discount expected punishment. The most recent Uniform Crime Report data reveal a significant uptick in the most serious crimes such as murder and rape, especially in large cities; murder increased 11 percent and rape 8 percent in the first six months of 2015 in cities with populations over 1 million.<sup>48</sup> Although it may be too soon to expect a rapidly increasing crime rate, it is possible that this trend could continue into the future, once again causing an increase in the prison population.

## Specific Deterrence

**specific deterrence** The idea that an individual offender will decide against repeating an offense after experiencing the painfulness of punishment for that offense.

The philosophy of **specific deterrence** focuses on the fact that individual offenders should learn firsthand that crime does not pay when they experience harsh criminal penalties. What this position suggests is that the suffering caused by punishment should inhibit future criminal activities. Historically, physical punishments were designed to inflict so much pain that only the bravest or most demented criminals would risk reoffending. In our society, a stay in a violent and dangerous prison should be enough to convince people that crime does not pay. But does it work? Most prisoners (more than 80 percent) who are released from prison have had prior convictions, and the great majority (68 percent) will reoffend soon after they are released.<sup>49</sup> The fact that most convicted criminals reoffend weakens the argument that experiencing punishment produces a specific deterrent effect.

Why does the specific deterrent effect of punishment have a less desired effect than thought?

- Novices who go to prison learn the trade from more experienced offenders and now believe they won't make the same mistake again; they have learned to beat the system and get away with crime.<sup>50</sup>
- The more serious the crime and the more hard core the offender, the longer the prison sentence. These die-hard criminals will offend again no matter what they experience; severe punishments have little effect.<sup>51</sup>
- People who are who are harshly treated may want to show that they cannot be broken by the system; additional crimes are a way to lash out and retaliate.
- Harsh treatment labels and stigmatizes offenders, locking them into a criminal career.



### for group DISCUSSION

Discuss with your group the philosophies of general deterrence and specific deterrence, and have each person provide an example with an explanation for both. Present your examples to the class.

LO7

- Criminals who are punished may also believe that the likelihood of getting caught twice for the same type of crime is remote: “Lightning never strikes twice in the same spot,” they may reason; no one is that unlucky.<sup>52</sup>

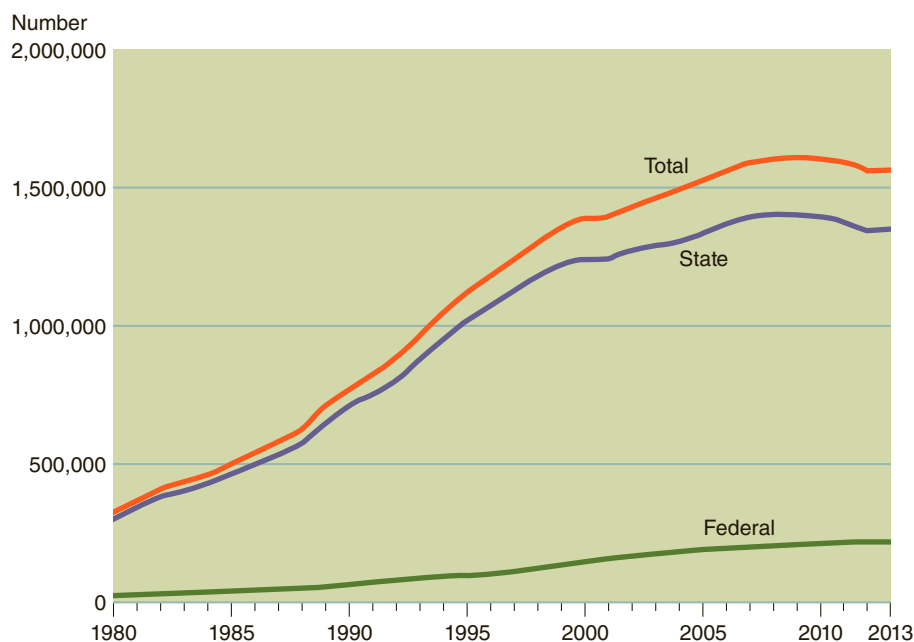
## Incapacitation

Another goal of punishment is to incapacitate dangerous people so they do not have the opportunity to harm others. Offenders are sentenced to prison to restrain them physically so during the time they are confined society is protected, a concept known as **incapacitation**. Sentencing for the purpose of incapacitation is embraced by both liberals and conservatives. According to liberals, prison was to be reserved for especially dangerous repeat offenders who require incapacitation to protect society while they are being treated and reformed. Conservatives may be less concerned about treatment but view incapacitation as a crime-prevention strategy that can reduce crime rates by imprisoning significant numbers of felons. Advocates of incapacitation suggest that this growth in the prison/jail population is directly responsible for the two-decades-long decline in the crime rate.<sup>53</sup> As Figure 1.2 shows, the number of inmates rose between 1980 and 2013 while crime rates fell significantly. It seems logical that by putting dangerous felons under lock and key for longer periods of time, the opportunity they have to commit crime is significantly reduced and so too is the crime rate.

Those who favor incapacitation have encouraged states to adopt tough sentencing laws such as the “three strikes and you’re out” policy. This sentencing model mandates that people convicted of three felony offenses serve a mandatory life term without parole. Other states employ habitual offender laws that provide long (or life) sentences for repeat offenders. Those who advocate for these tough laws credit them with producing the two-decade crime drop in the United States.<sup>54</sup>

Although considerable research has been done on the effects of incapacitation in reducing crime, the results are inconclusive.<sup>55</sup> Although it is true that the current prison population is extremely high and the crime rate has been in decline, the prison population also jumped in the decade between 1980 and 1990, while the crime rate increased substantially. It is possible that crime rates have little relationship to incarceration trends and that the reductions in crime are related to such factors as the economy, police effectiveness, and declining drug use.<sup>56</sup> An incapacitation strategy to reduce crime is also terribly expensive, costing taxpayers billions each year and only producing modest benefits; incapacitation is not a cost-effective strategy.<sup>57</sup>

**incapacitation** Isolating offenders to protect society.



**FIGURE 1.2**

### Prisoners under State and Federal Jurisdiction, 1980–2013

Source: E. Ann Carson, *Prisoners in 2013* (Washington, DC: Bureau of Justice Statistics, September 30, 2014), p. 1.

And there are diminishing returns. Many people are kept in prison well past the age when they would stop committing crime spontaneously. The number of elderly inmates is skyrocketing, despite the fact that the elderly are expensive to maintain and are not really a danger to society.

Incarceration advocates counter that though the cost of imprisonment is high, it might be even more expensive to hire and deploy sufficient police officers needed to deter crime. In other words, it may be cheaper to lock people up than scare them off.<sup>58</sup>

### **selective incapacitation**

Identifying high-rate offenders and providing for their long-term incarceration.

**Selective Incapacitation** According to the policy of **selective incapacitation**, because only a small number of offenders commit a significant portion of all crimes, it is more effective to sentence repeat offenders to long prison terms while granting first-time and nonviolent offenders shorter and more lenient sentences.<sup>59</sup> As a result, “career offenders” are locked up for long periods, while one-time or occasional criminals are given probation or other community sentences.<sup>60</sup> Although enticing, selective incapacitation is not without its drawbacks. It relies on predicting who will commit future crimes, something that has proven quite elusive to calculate. It also produces false positives—some people are severely punished who may never commit another crime. Is it ethical to punish people whom we believe may be dangerous in the future based on what they have done in the past?

## **Rehabilitation**

**rehabilitation** Changing an offender’s character, attitudes, or behavior patterns so as to diminish his or her criminal propensities.

The **rehabilitation** aspect of sentencing suggests that people who violate the law are “society’s victims.” They have been maltreated by their family, forced to live in poverty, or suffered some life trauma that through no fault of their own has forced them into a life of crime. They will refrain from further criminal activity if they can be successfully helped and treated rather than condemned and punished.

Rehabilitation is also based on being able to predict the future needs of offenders, not on the gravity of the current offense. When a judge sentences people convicted of a felony to a community-based program, the sentence reflects the judge’s belief that the offenders can be successfully treated and present no future threat to society.

During the 20th century, the concept of rehabilitation dominated sentencing and corrections. People were placed behind bars until they were thought to be “cured” and then released. The parole board took control of determining when an offender was rehabilitated and thus ready to return to the community. Sentence length shifted from the control of the judge to the correctional system.

Support for rehabilitation-based sentencing practices began to erode when reformers raised questions about the ethics of the rehabilitation model. The erosion accelerated in the early 1970s when criminal justice researcher Robert Martinson and his associates failed to find any systematic evidence that indeterminate sentencing actually worked and prison programs rehabilitated inmates.<sup>61</sup> It was also charged at the time that parole boards were unable to determine when inmates eligible for release had been cured of their criminal propensities. The combined evidence made a mockery of the term *correctional institution*. It also raised fundamental questions about the



AP Images/Ringo H.W. Chiu

Rehabilitation programs can work. Angelique Chacon, 31, had emotionally girded herself to spend six years behind bars for selling methamphetamine when her attorney gave her a way out, a new rehabilitation program in U.S. District Court in Los Angeles that might allow her to avoid prison. She accepted the pretrial offer, got a part-time job, took classes at a technical school, and graduated from the rehab program last year with a sentence of probation instead of prison. She says, “I’m a totally different person. I’m sober. I’m more involved with my family. I’m really there mentally.” Angelique is one of many federal defendants accused of low-level crimes, such as smuggling or selling small amounts of drugs, who have avoided prison time in recent years with the help of court programs that focus on rehabilitation and counseling.



## Project BUILD

Project BUILD (Broader Urban Involvement and Leadership Development; now the BUILD Violence Intervention Curriculum) is a violence prevention curriculum designed to help youth in detention overcome problems they may face in their communities, such as gangs, crime, and drugs. The program is designed to intervene in the lives of youth who have come in contact with the juvenile justice system to reduce recidivism and diminish the prospects that youth will become adult offenders.

### HOW IS THE PROGRAM DELIVERED?

Case managers provide the reentry curriculum and follow-up case management services to ensure that youth, upon release, enroll in school and engage in constructive activities to reduce recidivism. Intervention specialists/case managers are at the school during the day, a minimum of three days per week, where they conduct the BUILD Violence Intervention Curriculum in the classroom or have pull-out groups with youth identified by school administrators. In addition, they may have one-on-one sessions with youth that are also referred by teachers and school administrators.

Currently, students enrolled in the BUILD Violence Intervention Curriculum are taught a variety of new life skills, receive additional academic tutoring and assistance, participate in sports and recreational activities, go on field trips, and engage in leadership development and civic engagement. The BUILD Violence Intervention Curriculum includes components such as socioemotional learning, positive youth development, and restorative justice. Youth may receive anything from one workshop to the full 10-week session of the curriculum. Sessions of the BUILD Violence Intervention Curriculum include:

- The Universe Begins with “U”!
- The Power Struggles—Bully Prevention
- Choosing Right—How to Make Healthy Decisions for Life
- The Emotional Roller Coaster

Although the BUILD Violence Intervention Curriculum had been solely based on providing institutional services with follow-up through home visits, it now offers opportunities for enhanced programming in an alternative school that operates outside the detention center.

Careful evaluation of the program using matched control and experimental groups found that youths who participated in Project BUILD had significantly lower rates of recidivism compared to non-Project BUILD youths. Among those students who participated in Project BUILD, 33 percent returned to detention within a year, compared with 57 percent of non-Project BUILD youths. Furthermore, the Project BUILD participants who did return to detention took longer time to recidivate (9.6 months) compared to youths not in Project BUILD (7.6 months), a significant difference. Because of its success, BUILD programs are in operation around the United States.

### FOR CRITICAL THINKING AND WRITING

What kind of community based programming might be added to the BUILD program as an alternative to detention?

**Source:** National Institute of Justice, Project Build, [www.crimesolutions.gov/ProgramDetails.aspx?ID=335](http://www.crimesolutions.gov/ProgramDetails.aspx?ID=335) (accessed March 2016); BUILD Chicago, <http://edfnyouthviolence.weebly.com/build-chicago.html> (accessed April 2016).

wisdom of maintaining a sentencing policy that was not only failing to achieve its primary objective but doing so in a manner that lacked fairness and consistency.

After more than 40 years, rehabilitation has made a comeback. Many private, community, and even institutional corrections are rehabilitative focused, and many are re-adopting the principles of rehabilitation. Also, a number of comprehensive reviews of research on the effectiveness of correctional treatment have found that some treatment programs do have positive outcomes in improving the attitudes of offenders and in reducing recidivism.<sup>62</sup> The challenge is to identify which program will work with what offenders in what setting.<sup>63</sup> The following Evidence-Based Corrections feature focuses on one rehabilitation program that has been found to be effective.

## Retribution/Just Deserts

A retributionist position is that punishment is justified if and only if it is deserved because of a past crime. Similarly, the theory of just deserts holds that it is unfair to deprive people of liberty as a consequence of committing a criminal act for any other





Joseph Rodriguez/Redux

Javier Stauring, co-director of the Office of Restorative Justice, makes a regular visit to youths awaiting trial. Before retiring in 2016, Stauring fought for restorative sentences for juvenile offenders, trying hard to keep them out of adult prisons and jails. Human Rights Watch praised Stauring for his “great courage” in publically protesting the horrendous living conditions for juvenile offenders in Men’s Central.

reason than the act they engaged in *deserves* to be punished. One should be punished because they deserve it and not to deter others or reduce future criminality. These views of sentencing are retrospective rather than prospective; those who administer punishment need not be concerned with future outcomes, only with providing appropriate punishment for a given harm.<sup>64</sup>

The task of just deserts is to assess the magnitude of the harm and to devise a punishment that is proportionate in severity. The assessment of the magnitude of the harm is typically defined by the type of crime (for example, petty theft would be seen as less serious than felonious assault) and an offender’s prior record. A one-time offender might be treated more leniently than a chronic criminal. Motivation might also be considered. A person who embezzles to maintain a lavish lifestyle would be judged more harshly than one who embezzles the same amount for the more noble purpose of subsidizing the company’s underpaid and exploited overseas workers.<sup>65</sup> According to the old adage, “punishment should fit the crime.”

## Restorative Justice

**restorative justice** Making amends to the victim or to society for the harm resulting from a criminal offense.

The **restorative justice** goal of sentencing is designed to reintegrate the criminal offenders back into the community. Restorative justice has roots in the concept of reparation, something done or paid to make amends for harm or loss. In victim-oriented reparation, offenders return to the rightful owner either what has been taken away or its equivalent, usually in money or service. In community-oriented reparation, offenders either pay a fine or render community service; the community thus functions as a substitute victim. By helping the victim and the community, offenders begin to understand the harm caused by their actions. Rather than being cast out of society, they are given the opportunity to be restored in good standing.<sup>66</sup>

Restorative justice is grounded in the concept that the government should surrender its control over responses to crime to those who are most directly affected—the victims, the offenders, and the community. This expression of punishment is based on the premise that communities will be strengthened if local citizens participate in the response to crime, and this response is tailored to the needs and preferences of victims, communities, and offenders. The discussion of restorative justice will be expanded in Chapter 4 on intermediate sanctions.

## Equity/Restitution

**equity goal of punishment** That offenders usually gain from criminal violations makes it seem just and right that they repay society and victims for losses, expenses, and damages that result from their crimes.

The **equity goal of punishment** means that convicted offenders must pay back their victims for their loss, the justice system for costs related to processing their cases, and society for the disruptions caused because of their crimes. In drug trafficking, the social costs may include expenses involved with drug enforcement efforts, day treatment centers, and care for infants born to drug-addicted mothers. In predatory crimes, the costs may include services of emergency room physicians, lost workdays and productivity, and therapy for long-term psychological problems. To help meet these costs, convicted defendants might be required to pay fines, do community service, make financial restitution to victims, forfeit the property they acquired through illegal activities, and reimburse the state for costs related to the criminal process. Thus, the

demands of justice require that offenders who have profited from their crimes lose privileges and rights to restore the social balance.

## The Criminal Justice System and Corrections

Corrections today is an important cog in the contemporary criminal justice system. These agencies, located at the federal, state, and local levels of government, serve as society's instruments of social control. They are designed to regulate behaviors considered so dangerous that they cannot be tolerated within the confines of society. The justice system is therefore designed to maintain and control people considered so destructive that they must be monitored and/or confined. The agencies of justice—law enforcement, the courts, and corrections—control criminal behaviors by apprehending, adjudicating, and sanctioning lawbreakers. Society maintains other forms of informal social control, such as religious institutions, but these deal with moral—not legal—misbehavior. Only the criminal justice system maintains the power to control crime and punish behavior in its role as the operational arm of criminal law.

Criminal justice agencies are political entities lodged within the legislative, judicial, and executive branches of the government:

- The legislature creates law, defines its content, and establishes criminal penalties. The legislative branch of government also appropriates funds for criminal justice agencies, thereby shaping their structure and mission.



### WEB APP 1.2

Go to YouTube to view the video “Victim Story: Restorative Justice” ([www.youtube.com/watch?v=TSCx1XS0f8Y](http://www.youtube.com/watch?v=TSCx1XS0f8Y)), where a crime victim tells about her “restorative encounter with her father’s killer.”

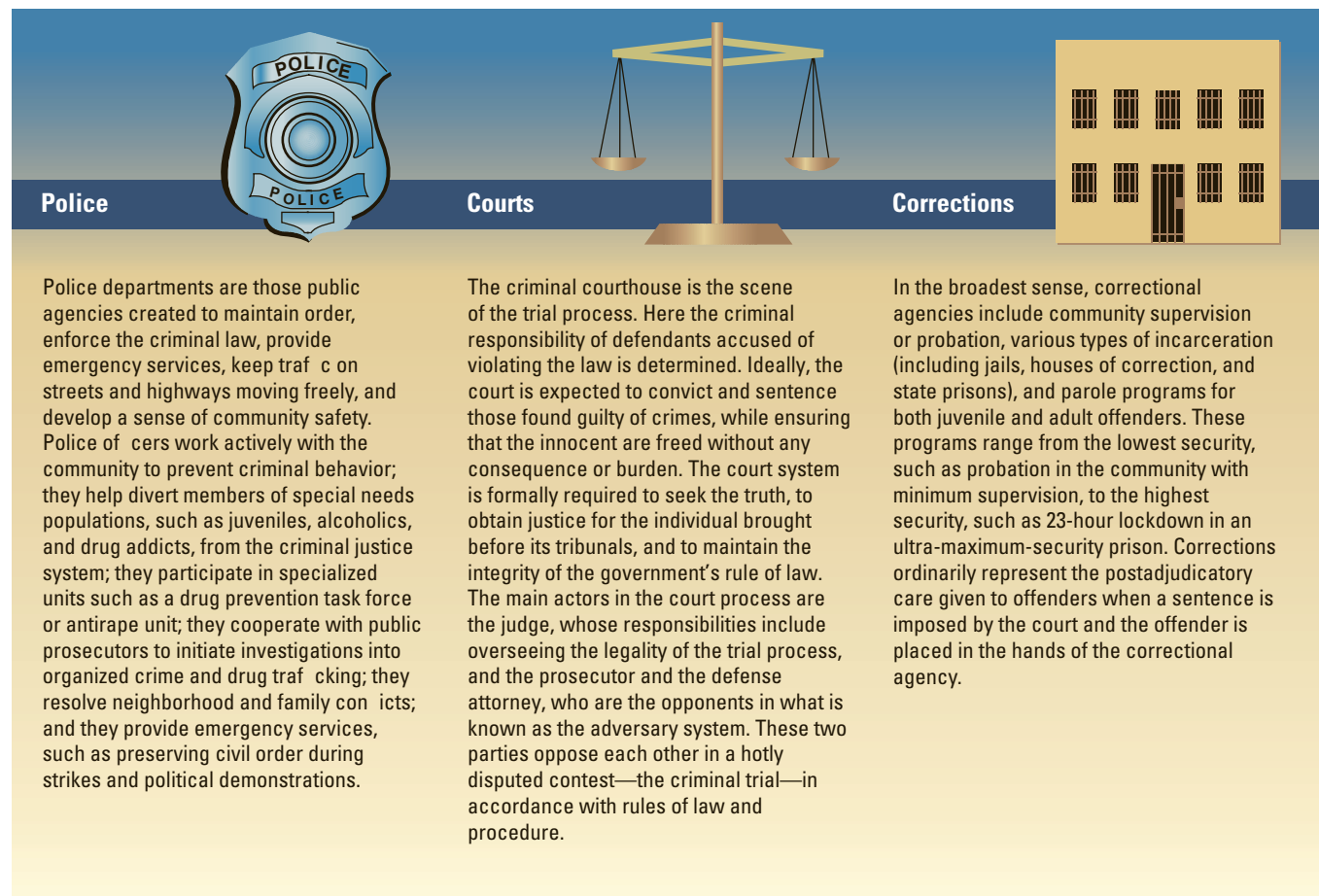
**LO7**

**LO8**

Explain the relationship between corrections and the criminal justice system.

**FIGURE 1.3**

### Components of the Criminal Justice System





- The judiciary interprets the existing law and determines whether it meets constitutional requirements. It provides oversight on criminal justice practices and has the power to insist that legal obligations are met. The courts have the right to overturn or ban policies that are in conflict with constitutional rights.
- The executive branch helps set justice policy and appoints key leaders within the justice system, such as the head of the prison system and judges.

## Agencies of the Criminal Justice System

Because of its varied and complex mission, the contemporary criminal justice system in the United States is monumental in size. It now costs federal, state, and local governments more than \$230 billion per year for civil and criminal justice, up more than 300 percent since 1982.

One reason the justice system is so expensive to run is because it employs more than 2 million people in 18,000 law enforcement agencies, 17,000 courts, more than 8,000 prosecutorial agencies, about 1,200 correctional institutions such as jails and prisons, and more than 3,500 probation and parole departments.

The system is massive because it must process, treat, and care for millions of people. Although the crime rate has been in decline for most of the past decade, more than 11 million people are still being arrested each year, including about 2 million for serious felony offenses.<sup>67</sup> In addition, about 1 million juveniles are handled by the juvenile courts. When traffic and local ordinance violations are included with felony and misdemeanor cases, the nation's courts handle about 94 million cases per year.<sup>68</sup> Figure 1.4 shows how offenders are handled by the criminal justice process:

- Almost 7 million people (6,851,000) are now under some form of correctional supervision:
- About 1 in 36 adults (or 2.8 percent of adults in the United States) are under some form of correctional supervision, the lowest rate since 1996.
- The correctional population has declined by an annual average of 1.0 percent since 2007.

## The Formal and Informal Criminal Justice Process

Another way of understanding criminal justice is to view it as a process that takes offenders through a series of decision points beginning with arrest and concluding with reentry into society. During this process, key decision makers resolve whether to maintain the offenders in the system or to discharge the suspects without further action. This decision making is often a matter of individual discretion, based on a variety of factors and perceptions. Legal factors, including the seriousness of the charges, available evidence, and the suspects' prior record, are usually considered legitimate influences on decision making. Troubling is the fact that extralegal factors such as the suspects' race, gender, class, and age may also influence decision outcomes.

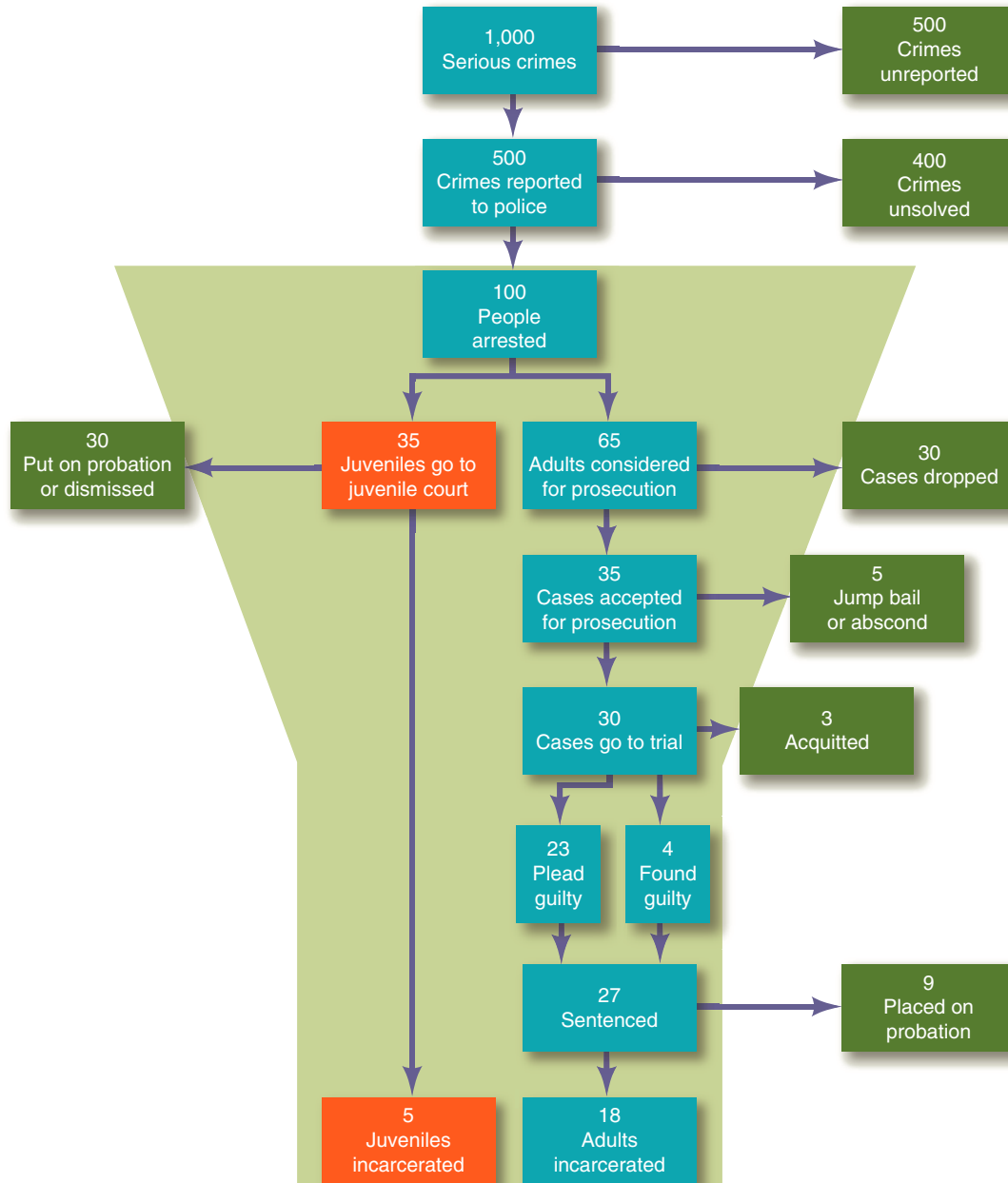
Few cases are actually processed through the entire formal justice system. Most are handled informally and with dispatch. The system of justice has been roundly criticized for its "backroom deals" and bargain justice. Although informality and deal making are in fact the rule, the concept of the formal justice process is important because it implies that every criminal defendant charged with a serious crime is entitled to a full range of rights under law. The fact that most criminal suspects are treated informally may be less important than the fact that all criminal defendants are granted constitutional protections. About 30 percent of people arrested on felony charges are eventually convicted in criminal court; however, almost a third of those convicted on felony charges are sentenced to probation and released back into the community without doing time in prison.<sup>69</sup> For every 1,000 crimes, less than 20 people are sent to prison.



### critical THINKING

Consider how the goals of the three core components of the criminal justice system are similar and different. How do those similarities and differences impact corrections?

LO8

**FIGURE 1.4****Criminal Justice Funnel**

In actual practice, many suspects are released before trial because of a procedural error, evidence problems, or other reasons that result in case dismissal by the prosecutor (**nolle prosequi**). Though most cases that go to trial wind up in a conviction, others may be dismissed by the presiding judge because of a witness or a complainant's failure to appear or procedural irregularities. So the justice process can be viewed as a funnel that holds many cases at its mouth and relatively few at its end. Figure 1.5 shows the interrelationship of the component agencies of the criminal justice system and the criminal justice process.

**nolle prosequi** A formal entry in the record of the court indicating that the prosecutor does not intend to proceed any further in this case.

## Corrections in the Criminal Justice System

Although corrections is an element within a complex set of criminal justice organizations and processes, it is functionally independent from the other agencies, with a

## Exhibit 1.3

### Elements of the Correctional System

<b>Probation</b>	Court-ordered community supervision of convicted offenders by a probation agency. Offenders on probation are required to obey specific rules of conduct while in the community.
<b>Parole</b>	Community supervision after a period of incarceration.
<b>Jail</b>	A county correctional facility that holds people pending trial, awaiting sentencing, serving a sentence that is usually less than one year, or awaiting transfer to other facilities after conviction.
<b>Prison</b>	A state or federal correctional facility that houses convicted criminals sentenced to a period of confinement that is typically more than one year.

#### LO9

Describe the extent and consequences of prison overcrowding.

unique set of values, procedures, and policies. It also faces problems and issues unknown in other agencies, such as the police and court system. What are some of these challenges?

For the past two decades prison crowding has been one of the most significant problems facing the correctional system. Overload leads to increased inmate

FIGURE 1.5

### Criminal Justice Process

The Interrelationship of the Criminal Justice System and the Criminal Justice Process

THE CRIMINAL JUSTICE SYSTEM	THE CRIMINAL JUSTICE PROCESS
<b>POLICE</b> 	1. Contact 2. Investigation 3. Arrest 4. Custody
<b>PROSECUTION AND DEFENSE</b> 	5. Complaint/charging 6. Grand jury/preliminary hearing 7. Arraignment 8. Bail/detention 9. Plea negotiations
<b>COURTS</b> 	10. Adjudication 11. Disposition 12. Appeal/postconviction remedies
<b>CORRECTIONS</b> 	13. Correction 14. Release 15. Postrelease

defiance and makes prisons (especially maximum-security and supermax prisons) more dangerous places to work. The California prison system for one has been beset by prolonged hunger strikes by inmates who were protesting degrading conditions in isolation cells and gang-security measures that unfairly punish prisoners.<sup>70</sup>

The federal courts have intervened to mandate strict population ceilings for individual prisons and, in some cases, for entire state systems. Ironically, efforts to reduce prison crowding have led to the overcrowding of county jails, where convicted felons wait for vacant cells in a state prison.

**The Business of Corrections** Although police and courts are perceived as a drain on local budgets, prisons are now viewed as an economic savior for local economies. At one time few wanted to see a prison or jail built in their community. Today, this “not in my backyard” philosophy has been replaced with welcome mats. Take, for instance, Canon City, Colorado, which now calls itself the “Corrections Capital of the World.” There are seven state prisons in this rural community; in nearby Pueblo, there are three. And located in Florence, population 4,000, the Federal Correctional Complex houses, among other facilities, the famous supermax prison, home to many of the country’s notorious and dangerous criminals. In all, there are 13 prisons and nearly 9,000 inmates.<sup>71</sup>

In Leavenworth, Kansas—a community that recently added a private facility to its already well-known corrections stockade—a billboard reads, “How about doin’ some TIME in Leavenworth?” A prison has become a quick way to fix the economic struggles of small counties. Towns that are economically strapped know that if they can induce jail and prison construction, they will receive jobs and attract other businesses such as fast food chains, department stores, and motels—all of which contribute to their tax base. As a result, they are more than willing to offer land, cash incentives, and cut-rate deals on utilities.<sup>72</sup> Today, correctional systems are involved in prison-building booms. Prisons are developing economically profitable relationships among politicians, corporations, and the private sector, and even becoming a commodity on the stock market. This configuration is why the term **prison-industrial complex** is sometimes used to describe correctional systems in the United States.

**The Social Cost of Corrections** Another problem that is unique to corrections is the social costs that the policy of mass confinement has had on the American public. Although law enforcement and the courts have a relatively short-term impact on people’s lives, correctional confinement is a long, drawn-out process that affects both people and the communities in which they reside.

Corrections has had a significant impact on urban neighborhoods in the United States. Most immediate is the effect on the families of prisoners. There are now about 1.5 million children who have a parent in prison. For African American children, one of every 14 has a parent behind bars on any given day. For these children, shame, stigma, and loss of financial and psychological support are profound aspects of their life experience.

The toll of corrections is often borne by minority group members who experience racial discrimination at all stages of the justice system, from being stopped and searched, to suffering arrest, prosecution, conviction, and incarceration. As result, spending time behind bars has become a tragic yet commonplace experience of growing up as an African American male in the United States. Government figures show that an African American male born today has a one in three chance of spending at least a year in prison at some point in his life.

Although children in well-off communities grow up with the expectations that they will go to college, many in low-income communities grow up with the prospect of doing time in prison.<sup>73</sup>



## thinking Like a Corrections Professional

The governor has appointed you chairman of a task force to bring reform to your state’s correctional efforts. She is particularly concerned that you find ways to reduce the prison population, without compromising public safety. Whom will you appoint to your committee? What is your strategy for developing this plan of reform? What is your plan to disseminate the results of your report?

### prison-industrial complex

A term given to describe the multimillion-dollar prison-building boom in which powerful corporate interest groups, large businesses, and politicians join together to profit from the burgeoning corrections industry.



### WEB APP 1.3

Research and identify the prison facilities located in your state. What are the names of the facilities? Where are they located? Which facility has the largest inmate population? Has the inmate population increased or decreased in recent years?

LO9

No one wants a prison in their backyard, and most areas fight prison construction tooth and nail to preserve their communities.

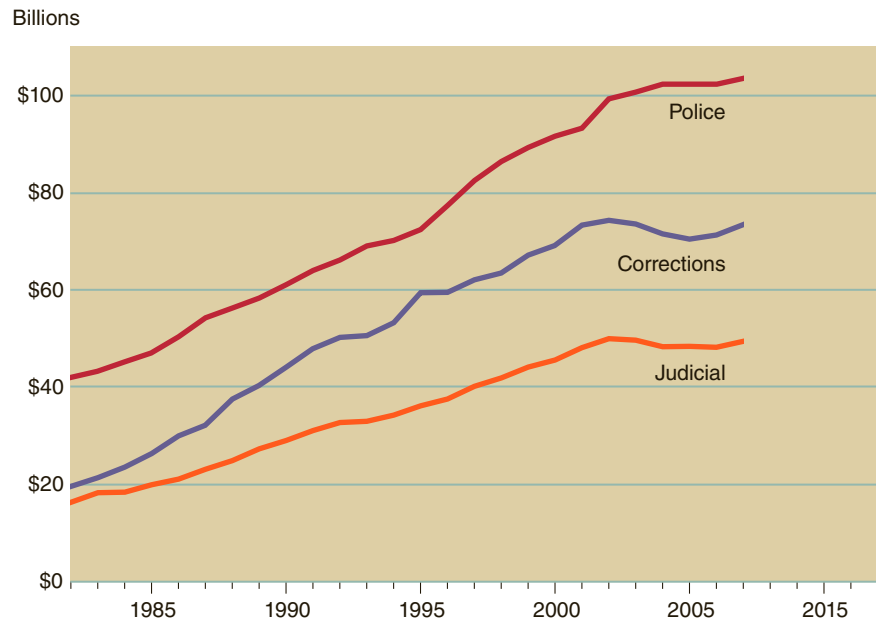
### MYTH

### FACT

Many rural communities see prison construction as an economic boon and fight to have state governments build institutions in their community. Prisons provide jobs and bolster the local economy. Prison construction is especially welcome during tough economic times.

**FIGURE 1.6****Direct Expenditure by Criminal Justice Function**

Source: Bureau of Justice Statistics, *Employment and Statistics in the U.S., 2007* (Washington, DC: U.S. Department of Justice, 2011).



**Financial Cost of Corrections** The economic problems of the past decade have impacted all the agencies of justice, including corrections (see Figure 1.6). States facing budget cutbacks have cut prison budgets and closed institutions to help balance the budget. This process is found not only in the United States, but also in other countries such as Canada, the United Kingdom, and Australia.<sup>74</sup>

States have recently responded to this crisis in a variety of different ways. Since 2014, a number of facilities have been closed or redirected. The Bronx's Fulton Correctional Facility will be torn down and turned into a reentry center for newly released former prisoners. Florida's Gainesville Correctional Institution was transformed into a homeless shelter.<sup>75</sup> In 2016, budget-strapped Illinois announced that it would close the youth correctional facility in Kewanee, as part of a larger plan to help the state shrink a nearly \$4 billion budgetary shortfall.<sup>76</sup>

**LO10**

Discuss the financial costs of corrections.

**professionalism** The conduct, aims, or qualities that characterize or make a profession or professional person.

**Professionalism in Corrections** All agencies of justice have strived for professionalism, requiring education, training, and innovation to improve the effectiveness of services. The corrections system has also confronted the need for **professionalism**, though its mission sometimes makes this goal difficult to achieve. For those who have been in a maximum-security prison or a supermax prison, with their tall walls or razor-wire fences, tiny cells, foreboding segregation units, and ever-present dangers, concepts such as valued career or professionalism may seem totally foreign, unrealistic, and idealistic. Certainly, corrections is not an easy job. Corrections is a complex field riddled with critical issues and deeply disturbing realities, focused on human tragedy and failure. It is a field so shaped by its social context that political and economic realities at times make it seem impossible either to maintain or to change.

Professionalism has brought corrections into the modern age and will guide it in the future. However, reaching this standard did not occur overnight. In this section, we discuss a few of the steps taken in the past to reach the current standard of corrections professionalism.

**Emerging Professionalism**

Reformers have advanced corrections and moved it toward professionalism. One early reformer, Richard A. McGee changed the nature of corrections in California by