Matt DeLisi ▪ Peter J. Conis

American CORRECTIONS

Theory, Research, Policy, and Practice

THIRD EDITION

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To criminal justice enthusiasts.
—Matt

To scholars, practitioners, and students of criminal justice.
—Peter

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PREFACE

The correctional system has a difficult job to do. It must provide monitoring, supervision, punishment, and treatment for the range of offenders who are convicted of violations of the law. This range of offenders is tremendous. It spans those whose only violations of the law include relatively minor traffic crimes such as speeding, driving with an expired license, or driving with an expired registration to those convicted of predatory crimes such as murder, kidnapping, and rape. The correctional system imposes punishments such as diversion and deferred sentences where there is effectively no sentence to situations where the state lawfully kills the offender. Correctional clients range from upstanding citizens with strong ties to the community to the most disadvantaged and pathological. Across these variations, the correctional system must perform its functions with the ideal of balanced justice in mind.

Although there are problems and negative aspects of the correctional system, the American correctional system does an admirable job of providing appropriate justice to the correctional clients that it serves. The logic of *American Corrections: Theory, Research, Policy, and Practice, Third Edition* is consistent with the triage system used in the medical community: The most serious cases demand the most immediate and serious treatment and the less serious cases must wait.

The text is divided into four parts. Part I, The Foundation of Corrections, provides a general overview of the correctional system and its place in the criminal justice system, the philosophy and history of the correctional system in the United States, and the laws that govern the ability of the state to correct criminal offenders. As you will see, many philosophies have been used to determine the best way to supervise criminal offenders, and some of these are conflicting and even difficult to reconcile.

Part II, Corrections: The Management of Offender Risk, delves into the triage approach beginning with the various sentences that the criminal courts impose on offenders and the ways that the correctional system classifies offenders according to the various risks they exemplify. From there, a continuum of sentences is used to meet the diverse risks and needs of the offenders. In severity, the continuum of sentences is generally representative of the continuum of offenders.

Part III, Prison and Offender Reentry, explores one of the most serious parts of the correctional system: prison. In this section, the journey of prisoners as they navigate prison, parole, and ultimate reentry into society is examined.

Part IV, Special Topics in Corrections, examines three somewhat special populations of offenders: juveniles, women, and the small portion of offenders who receive the most severe treatment by the system—namely capital punishment and civil commitment.

The text offers 15 chapters of useful information based on scholarship from the social and behavioral sciences. It is a comprehensive, student-friendly text for introductory corrections courses at the community college and university levels. It does not stray into material that is more suitable for other courses (e.g., criminal justice, corrections management, etc.), and it does not present a point of view. *American Corrections: Theory, Research, Policy, and Practice, Third Edition* does not lionize the criminal offender and malign the system, and it does not pretend that the correctional system is beyond reproach. Instead, in a fun, scholarly, and student-friendly way, the text explores the correctional system in the United States. Many exciting improvements have been made in this third edition, including:

- Discussion or citation of more than 100 new studies
- Updated or redesigned figures and tables
- New box feature on the societal burden of the most antisocial offenders
- New box feature on *Holt v. Hobbs*
- New box feature on the Obama administration and commutations
- New box feature on supermax confinement
- New box feature on the Des Moines Community Corrections Program
- New box feature on offenders' assessments of jail
- New box feature on diversion and sentencing alternatives in the federal courts

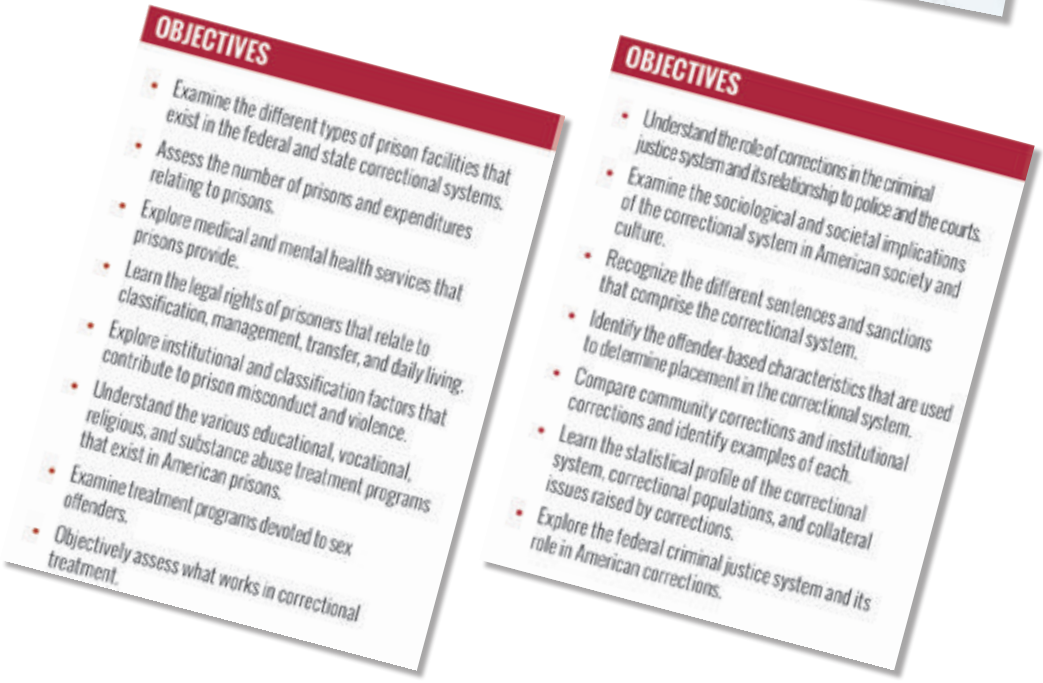
- New box feature on home visits from the offender's perspective
- New box feature on probationer recidivism and the power of antisocial history
- New box feature on psychopathology in a probation cohort
- New box feature on mobster released at age 100
- New box feature on minimal risk offenders in the federal correctional system
- New box feature on the costs of parolees and other released prisoners
- New box feature on transformation narratives and offender reentry
- New box feature on adverse childhood experiences and juvenile justice involvement
- New box feature on *Lost Causes*
- New box feature on the long shadow of juvenile detention
- New box feature on serious, chronic, and violent female juvenile offenders
- New box feature on trajectories of misconduct in women's prisons
- New box feature on correctional programs for women and their effectiveness
- New box feature on capital juror disqualification
- New box feature on revisiting the white victim effect in capital punishment sentencing
- Expanded discussion of *Miller v. Alabama*
- New discussion of *Montgomery v. Louisiana*
- New discussion of *Johnson v. United States*
- New discussion of *Welch v. United States*
- Updated Critical Thinking Questions
- New content on restorative justice restitution programs
- New content on good time and the Sentencing Reform Act of 1984
- New content on the federal Post Conviction Risk Assessment (PCRA)
- Greatly expanded coverage of effectiveness of various correctional programs and sanctions
- New content on risk, protective, and interactive protective factors
- New coverage of technical violations
- New coverage of social support theory and offender reentry

THE STUDENT EXPERIENCE

This text is assembled with a pragmatic, critical, and multidisciplinary approach. It includes many learning tools and features to help engage readers, emphasize key topics, and assist with studying.

Part Structure: As discussed in the Preface, the text is divided into four major parts. This helps to focus students' attention and provide context as their course moves through the American correctional system. Each part opens with a brief outline to prepare readers for the upcoming topics.

Learning Objectives: Each chapter opens with a list of Objectives to help students hone in on the key topics presented in the chapter. They can also be used as a helpful study tool.



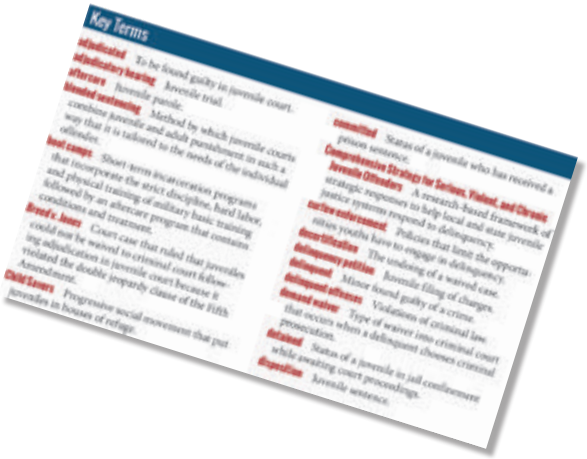
Block Quotes: Relevant quotes from cited literature are emphasized throughout the text.

> *Squandering our scarce correctional treatment program resources on low-risk offenders that do not need them is a waste of those resources.*
>
> (Latessa & Lowenkamp, 2006, p. 522)

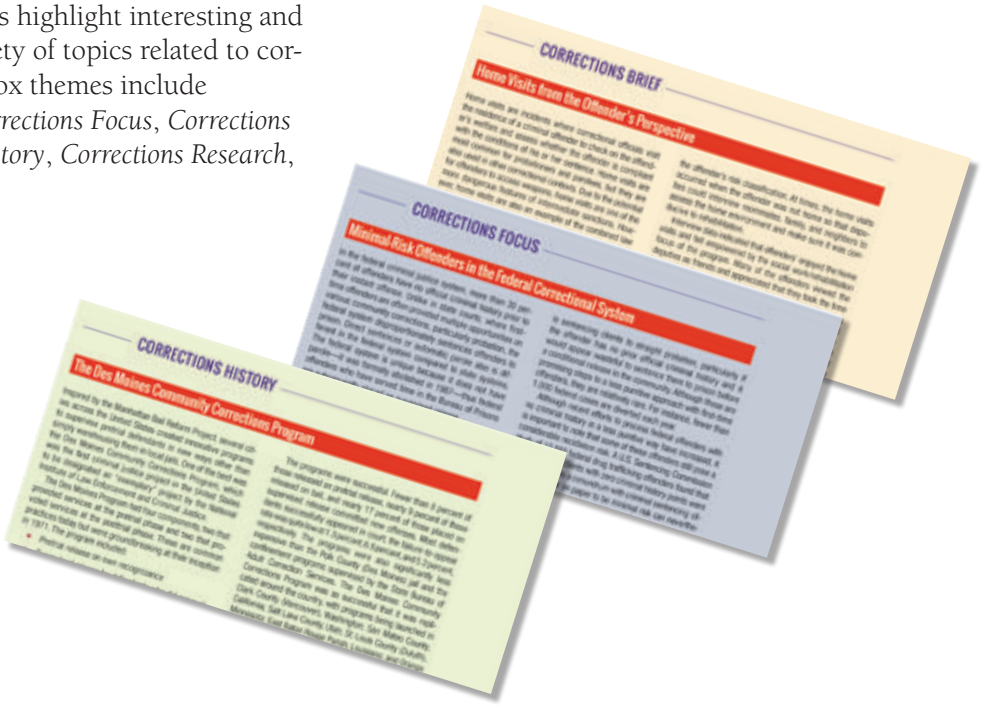
> *Correctional systems cannot undo the histories of the delinquents they are charged with supervising and rehabilitating. For the most part, when delinquents reach state commitment, they are considered the most serious, violent, and incorrigible delinquents in the state. Oftentimes, unrealistic expectations are placed on correctional systems to change a lifetime of behavior in a year or less and also to make sure the changes hold once a youth returns to the environment that produced them.*
>
> (Trulson, 2007, p. 29)

> *It seems likely, therefore, that a major barrier to the rehabilitation of the adult criminal in a maximum security prison is to be attributed not only to the "unnaturalness" of his social environment and the lack of scientifically tested therapeutic devices but also to the corruption of the guard's authority in maintaining custody and discipline. Since these functions have long been held to be opposed to the aim of reformation, it would appear that a profound reevaluation of the importance of these functions for the rehabilitation of the adult criminal is needed.*
>
> (Sykes, 1956, p. 262)

Bold Key Terms: Key terms and concepts are identified in bold to help students understand new terminology and focus on important ideas. Definitions for all key terms are provided at the end of each chapter.



Boxed Features: Boxes highlight interesting and relevant sidebars on a variety of topics related to corrections in each chapter. Box themes include *Corrections in the News*, *Corrections Focus*, *Corrections Controversy*, *Corrections History*, *Corrections Research*, and *Corrections Brief*.

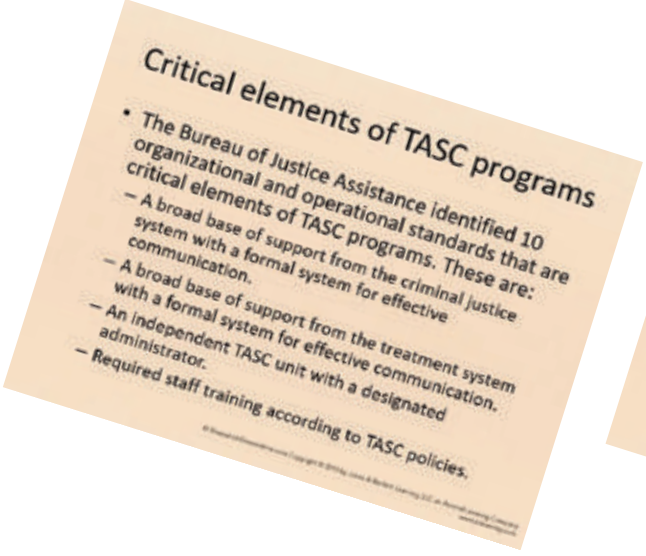


Wrap Up: All chapters end with a *Wrap Up* section that can be used as a study guide. Wrap Ups include a Chapter Summary to review the topics covered, Key Terms and definitions to help with learning new vocabulary and concepts, Critical Thinking Questions to help stretch students understanding and can be used for study or as assignments, and References that provide information on the sources cited and can help jumpstart research.

TEACHING TOOLS

To assist you in teaching this course and supplying your students with the best in teaching aids, Jones & Bartlett Learning has worked with the authors to prepare a complete ancillary package available to all adopters of the text. Additional information and review copies of any of the following items are available through your Jones & Bartlett Learning Sales Representative:

- **Instructor's Manual,** providing you with complete, ready-to-use lecture outlines that cover all of the topics from the text. Lesson plans can be edited and modified to fit your course.
- **Test Bank**, containing more than 500 multiple choice, true/false, and essay questions. These questions allow you to create tailor-made classroom tests and quizzes quickly and easily by selecting, editing, organizing, and printing a test along with an answer key that includes page references to the text.
- **Lecture Outlines in PowerPoint format**, providing you with a powerful starting point to make presentations that are both educational and engaging. Slides can be modified and edited to meet your needs.



ABOUT THE AUTHORS

Matt DeLisi, Ph.D. is Professor and Coordinator of Criminal Justice Studies and Affiliate with the Center for the Study of Violence at Iowa State University. Professor DeLisi is one of the most prolific and highly cited criminologists in the world and is the author of nearly 400 scholarly publications, mostly in the areas of pathological criminality, psychopathy, self-control, offender/inmate behavior, corrections, and the genetics of antisocial behavior. In 2012, Dr. DeLisi received the prestigious Fellow Award from the Academy of Criminal Justice Sciences. He has provided expert services and consulted on capital murder and multiple-homicide offender cases in multiple federal and state jurisdictions. Professor DeLisi has provided testimony to the U.S. Senate Judiciary Committee and has consulted on criminal justice policy to a variety of federal stakeholders, including the U.S. Attorney General, U.S. Probation and Pretrial Services, the Federal Bureau of Investigation, and others.

Peter J. Conis, Ph.D. is Professor in the Department of Sociology at Des Moines Area Community College. Academia is his second career. Previously, Dr. Conis was the Program Director for the S.T.O.P. Violence Against Women project at the Iowa Law Enforcement Academy (ILEA). In this capacity, he served as a member of the Lt. Governor's S.T.O.P. Violence Against Women Coordinating Council, the S.T.O.P. Violence Against Women Grant Review Committee, the Iowa Domestic Abuse Death Review Team, the Dependent Adult Abuse Conference Steering Committee, the Iowa Coalition Against Sexual Assault Grant Review Committee, the Healthy Iowans 2010 Team, and as the Committee Director for the S.T.O.P. Violence Against Women Annual Conference. Before joining the ILEA staff, Dr. Conis served 22 years as a law enforcement officer, working both rural and urban jurisdictions in Iowa, and 1 year as an investigator for the Story County Prosecuting Attorney's Office.

ACKNOWLEDGMENTS

We thank the many correctional practitioners and researchers who provided their work for inclusion in this book.

PART I
The Foundation of Corrections

Corrections and Its Place in the Criminal Justice System

CHAPTER 1

OBJECTIVES

- Understand the role of corrections in the criminal justice system and its relationship to police and the courts.
- Examine the sociological and societal implications of the correctional system in American society and culture.
- Recognize the different sentences and sanctions that comprise the correctional system.
- Identify the offender-based characteristics that are used to determine placement in the correctional system.
- Compare community corrections and institutional corrections and identify examples of each.
- Learn the statistical profile of the correctional system, correctional populations, and collateral issues raised by corrections.
- Explore the federal criminal justice system and its role in American corrections.

FEATURES

More than ever before, the criminal justice system—despite its decentralized and multifaceted structure—follows sound organizational principles to successfully coordinate with offenders, victims, their families, and the social/human service agencies that provide services to them.

(DeLisi, 2010, p. 1098)

Under current conditions, probation and parole are probably best thought of as legal statuses allowing swifter incarceration or re-incarceration when fresh offenses are detected rather than as programs with independent incapacitative or rehabilitative effects.

(Kleiman, 1999, p. 191)

Overview of the Correctional System

The criminal justice system comprises three broad areas. First, the **police**, also known as *law enforcement*, respond to citizen complaints; provide basic services, such as traffic control; and enforce the criminal law, and in doing so initiate criminal cases. To be blunt, the police catch the bad guys. The police are the first line in the investigative process that creates a criminal complaint against a suspect or **defendant**—the person accused of a criminal violation. Although police officers sometimes directly observe an individual committing a crime, most of the time they do not. Instead, the police are largely a reactive agency, responding to calls for service (e.g., the 911 system) from individuals who were present at the scene of the crime, such as the victim, witnesses, or even the perpetrator. Consequently, the police are aware of only a fraction of actual crimes because offenders, victims, or witnesses might not notify them, and even fewer cases result in arrest. In this way, every time the police choose not to make an arrest they filter or divert cases from the criminal justice system. Overall, less than half of crimes are reported to police.

This filtering process is seen in aggregate data for crime in the United States. According to the National Crime Victimization Survey (NCVS), approximately 20 to 25 million victimizations occur each year, based on the crimes of interest in that survey. According to the Uniform Crime Reports (UCR), roughly 10 to 14 million arrests are made each year. The most recent data from the Bureau of Justice Statistics reflect that just 6.7 million persons are under correctional supervision in the United States. It is important to recognize that the NCVS and UCR report annual data, and thus these crime data appear each year (Kaeble & Glaze, 2016; Truman & Morgan, 2016). In contrast, the correctional population is a cumulative population of all convicted offenders who are serving a variety of correctional sentences, such as probation, parole, or prison. These aggregate data put into perspective how many crimes ultimately go unpunished each year and how few end up in the correctional system.

The second component of the criminal justice system is the judicial system, or **courts**. The courts, which include prosecutors, defense counsels, and judges, serve a variety of functions, foremost of which is to serve as a check and balance on the police. The primary judicial officer or member of the courts is the *prosecutor*. Variously known as the *district attorney*, *county attorney*, or *state's attorney*, the prosecutor examines arrests to ensure that they were lawful and compliant with the U.S. Constitution. Also, the prosecutor uses his or her **discretion**, the latitude to choose one course of action or another, to decide whether prosecuting a case would serve the interests of justice. The prosecutor takes many things into consideration when making this decision, including the seriousness of the accused crime, the evidence, the witnesses and alleged victims, the criminal background of the defendant, possible political considerations, and so on. Resource availability is another important consideration: Does the state have the time, money, and staff to prosecute a case originally brought by the police?

Probation and parole, systems developed in the United States more by accident than by design, now threaten to become the tail that wagged the corrections' dog.

(Petersilia, 2002, p. 493)

According to the most recent data, nearly 1.2 million defendants are convicted of felonies each year. Approximately 94 percent of these cases are decided at the state level, and 6 percent are decided at the federal level. Even among convicted felons, many offenders are diverted from the criminal justice system. For instance, 30 percent of felons convicted in state courts are sentenced to probation and receive no jail or prison time whatsoever, even though the statutes either suggest or require that confinement be a part of the punishment process (Durose & Langan, 2007). At times, well-intentioned policies that affect the courts can have negative unintended consequences for corrections. For example, California passed the Criminal Justice Realignment legislation in 2011 to reduce the prison population by making low-level felony offenders ineligible for state prison and diverting those inmates already in state prison for the included offenses to community supervision. It was believed that these types of offenders are so low risk that they can be housed in local jails or the community without risks to staff safety. Jonathan Caudill and his colleagues (2014) examined jail data from 58 counties in

Due to the sheer volume of crime, correctional systems use discretion to detain only the most serious and chronic offenders.

California and found a significant increase in inmate-on-staff assaults in local jails after the passage of the legislation. In other words, the behavioral severity of prisoners was legislatively moved to local jails at the expense of jail officer safety.

Other local policies have been more successful. Terry Baumer (2007) reported how some jurisdictions have attempted to control their lockup populations through creation of a separate processing center designed to expedite initial processing of individuals charged with misdemeanors and minor felonies. In the new center, cases were screened and initial hearings held around the clock, 7 days per week. Before and after samples of arrestees were compared on prosecutorial screening time, time to court, and time in custody. Baumer found significant reductions in case screening and length of time to the initial court hearing. Individuals released on recognizance and those with no charges filed spent significantly less time in custody and saved considerable bed space for the jurisdiction. Individuals with bond set experienced no reductions in length of custody.

The third component of the criminal justice system is corrections. **Corrections**, or the correctional system, is the collection of local, state, and federal agencies that supervise and treat criminal defendants. The correctional system is considered the final stage of the criminal justice process. A schematic of the criminal justice system appears in **FIGURE 1-1.**

The following points provide a guide to understanding the role and purpose of corrections within the criminal justice system:

- The constitutionality of corrections is found in the **Eighth Amendment** to the U.S. Constitution, which states that "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." Implicit in this language is the application of corrections to the pretrial and post-trial or postadjudication phases of the judicial process. In other words, *defendants are subject to correctional supervision both before and after they actually have been convicted.*
- The correctional system begins with the pretrial supervision of defendants on bond. **Pretrial supervision** is the correctional supervision of a defendant who has been arrested, booked, and bonded out of jail. Often, conditions of **bond** are imposed; that is, the release from jail custody in exchange for collateral or recognizance whereby the defendant promises to appear for future court dates. Bond conditions can include that the defendant be prohibited from contacting the alleged victims in the case, possessing weapons, or driving. The defendant may also be required to submit to substance abuse monitoring, mental health treatment, and other requirements. Bond conditions are monitored by pretrial service personnel, who are a component of probation departments in many jurisdictions.
- The correctional system also pertains to defendants after they have pleaded guilty or been found guilty, a stage known as **posttrial** or **postadjudication**. Often, the conditions of bond are continued until the defendant is formally sentenced or receives a penalty of punishment from a judge upon conviction.
- Unlike law enforcement, which is basically limited to police, corrections is staffed by multiple and sometimes overlapping agencies. Criminal defendants can serve multiple correctional sentences or be under correctional supervision in different agencies at the same time. For instance, one could be on bond in one county, on probation in another, be awaiting sentencing in still another, and also be awaiting new criminal charges.
- Correctional supervision occurs in both community and institutional settings. **Community corrections** refers to sanctions that allow criminal offenders to remain in the community as long as they abide by certain conditions, such as maintaining employment, participating in drug treatment, or undergoing psychological treatment. Community corrections are used in lieu of confinement and allow offenders to rehabilitate themselves with the opportunities afforded by the criminal justice

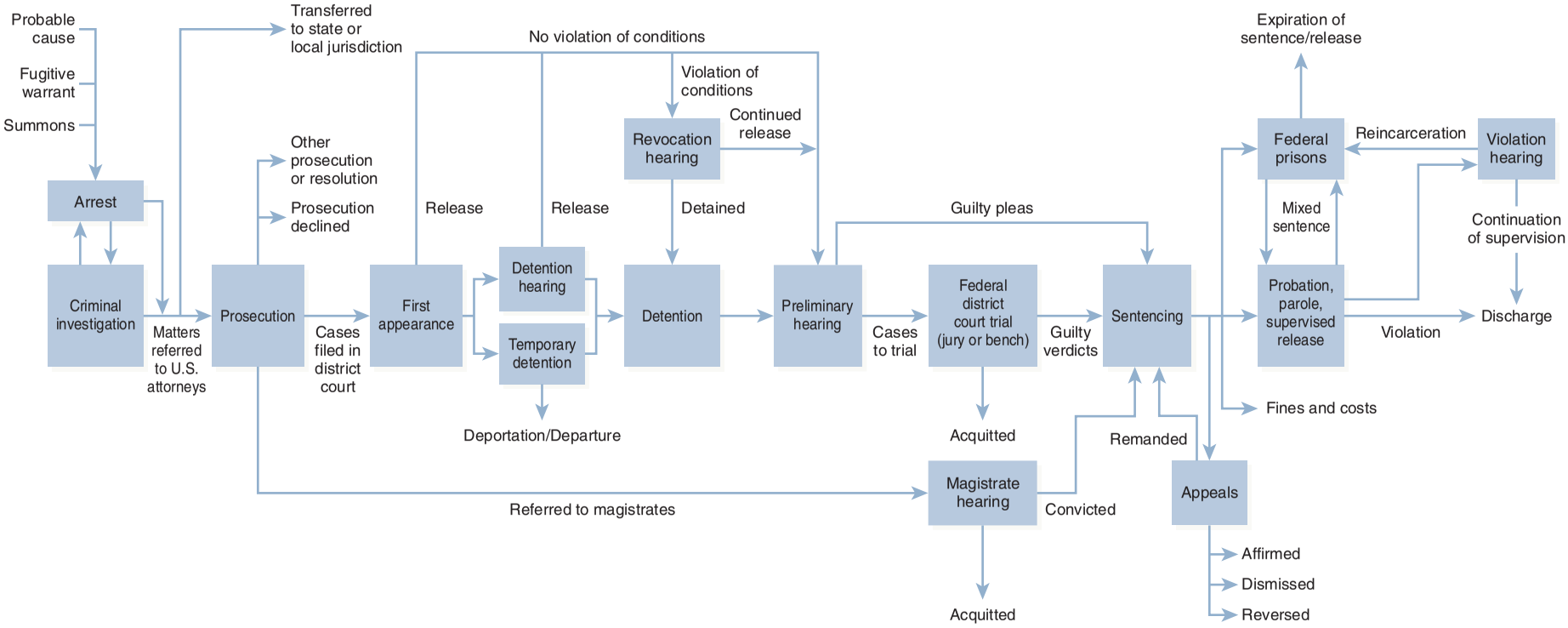


FIGURE 1-1 The criminal justice system.

Reproduced from: No author. (2017). Criminal justice system flowchart. Washington, DC: U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. https://www.bjs.gov/content/largechart.cfm.

CORRECTIONS IN THE NEWS

The Widespread Societal Burden of the Most Antisocial Segment of the Population

The criminal justice system generally and the correctional system specifically are routinely criticized for being ineffective, costly, and socially damaging, in part, because a large segment of the most serious offenders do not appear amenable to rehabilitation. Instead, these serious offenders cycle in and out of community and institutional correctional settings and seemingly commit crime with no regard for the victims or public safety. Consequently, the sanctions that these offenders become involved with—probation, parole, and others—are often portrayed as failures even though it is the behavioral deficits of the correctional clients that are mostly responsible for these failures.

A recent landmark study demonstrated how costly recurrent offenders are, how extensively damaging their behavioral deficits are to society, and how early in life they can be identified. Based on data from a New Zealand birth cohort that has been followed for more than 40 years, Avshalom Caspi and his colleagues found that 22 percent of the cohort accounted for 66 percent of social welfare expenditures, 77 percent of fatherless children, 54 percent of smoking, 40 percent of weight problems, 57 percent of hospital stays, 78 percent of prescription fills, 36 percent of injury claims, and, most important, 81 percent of all crimes. In contrast, 30 percent of the cohort who displayed zero risk behaviors accounted for just 6 percent of social welfare expenditures, 3 percent of fatherless children, 7 percent of smoking, 1 percent of weight problems, 7 percent of hospital stays, 3 percent of prescription fills, 15 percent of injury claims, and, most important, 0 percent of crime! These stark behavioral differences shed some light on the types of problems that recurrent offenders impose on society and the criminal justice system. More remarkable is that the basic characteristics of the most burdensome citizens can be identified by age 3: low self-control, low IQ, evidence of maltreatment, and low socioeconomic status. Predictions based on these characteristics were correct 80 percent of the time.

Indeed, the basic traits that are associated with antisocial behavior are well represented among correctional clients. A study of male prisoners found that a personality profile characterized by very low honesty and humility, very low emotionality, very low agreeableness, and very low conscientiousness was significantly associated with inmates' self-reports of antisocial behavior, others' ratings of their antisocial behavior, their official prison record of antisocial behavior, or a summary measure of these. Psychopathy is a well-studied personality disorder that is dramatically higher in prevalence among prisoners and correctional clients than the general population. Peter Muris and his colleagues recently conducted a meta-analysis and found that psychopathic personality was significantly associated with many of the same social problems and burdens as the Caspi study. Psychopathy was strongly correlated with crime and delinquency, erratic interpersonal behavior, sex-related issues, socioemotional deficits, poor well-being, interpersonal difficulties and conflicts, morality problems, and antisocial tactics. In a study using a nationally representative sample of data, Kevin Beaver and his colleagues found that those with the highest scores on a psychopathic personality traits scale had a 50 percent chance of being arrested, a 40 percent chance of being incarcerated, and a 20 percent chance of being placed on probation. The odds for those who scored lowest on the psychopathic personality traits scale were 15 percent, 5 percent, and 4 percent, respectively.

In sum, these studies clearly show that antisocial individuals who frequently commit crime and come into contact with the correctional system exhibit a broad range of negative personality features and antisocial traits that are difficult to change and overcome. Thus, in part, the putative failures of the correctional system owe much to the deficits of correctional clients.

SOURCES: K. M. Beaver, B. B. Boutwell, J. C. Barnes, M. G. Vaughn, & M. DeLisi. (2017). The association between psychopathic personality traits and criminal justice outcomes: Results from a nationally representative sample of males and females. *Crime & Delinquency, 63*(6), 708–730; A. Caspi, R. M. Houts, D. W. Belsky, H. Harrington, S. Hogan, S. Ramrakha, R. . . . T. E. Moffitt. (2017). Childhood forecasting of a small segment of the population with large economic burden. *Nature Human Behaviour, 1*, in press; J. Međedović. (2017). The profile of a criminal offender depicted by HEXACO personality traits. *Personality and Individual Differences, 107*, 159–163; P. Muris, H. Merckelbach, H. Otgaar, & E. Meijer. (2017). The malevolent side of human nature: A meta-analysis and critical review of the literature on the dark triad (narcissism, Machiavellianism, and psychopathy). *Perspectives on Psychological Science, 12*(2), 183–204.

system. **Institutional corrections**, such as jail and prison, use confinement or the physical removal from society as a means of supervision.

- After conviction, judges have several types of sentences at their disposal. These are commonly referred to as a **continuum of sanctions**, which is a range of sanctions or legal penalties that balance punishment, treatment, and supervision concerns with the seriousness of the offense and the offender's criminal convictions. The rationale of the continuum of sanctions and the variety of sentences are discussed in the next section.

> *In late 20th-century America, prisons and jails have become the imposing physical embodiment of the nation's crime control policy.*
>
> (Flanagan, Marquart, & Adams, 1998, p. ix)

The Correctional System and American Society

For better or for worse, the correctional system is part of the fabric of American culture and society. The aggregate costs of the correctional system and the various victimization costs that crime imposes range from tens of billions to hundreds of billions of dollars annually depending on the study (Hunt, Anderson, & Saunders, 2017; Wickramasekera, Wright, Elsey, Murray, & Tubeuf, 2015). Unfortunately, it is often the case that the correctional system is most newsworthy when mistakes are made by correctional staff or there is other apparent evidence of system breakdown, such as prison escapes, correctional clients failing to comply with their parole or probation conditions, and persons convicted of sexually based offenses who fail to register with the proper authorities. The correctional system also highlights what the general public perceives to be dysfunctions in the criminal law system. For example, consider the legal odyssey of former National Football League star player Aaron Hernandez, who in 2013 was convicted of first-degree murder and sentenced to life imprisonment and then in 2017 was acquitted of two additional murders. The Hernandez case was a quintessential example of a high-profile individual who fell from grace. On April 19, 2017, Hernandez committed suicide by hanging in his prison cell. But the story does not end there. Under an English common law legal principle known as *abatement ab initio*, Hernandez's conviction was overturned or vacated because he died before a direct appeal of his conviction could be filed. The legal doctrine is meant to protect criminal defendants against errors or injustices that might have occurred at trial. Substantively, it is believed that Hernandez murdered at least three people. Legally, through trial acquittal and *abatement ab initio*, he murdered none (Associated Press, 2017a).

At a more fundamental level, however, the genuine threats to public safety that some correctional clients pose is the main reason that the correctional system finds its way into public discourse. For example, over a 9-month period spanning 2010 to 2011, 10 Colorado felony probationers were charged with murder or attempted murder despite being under state supervision. This raises legitimate concerns about the ability of the correctional system to adequately assess the risks posed by the various offenders under its supervision and the ability of the correctional system to effectively monitor them (Cardona, 2011).

Given the salience of public safety to community residents, it is often believed that the American public is extremely punitive and crime-control oriented, especially compared to those in peer nations. Indeed, ample evidence suggests that Americans are a punitive group who advocate tough correctional policies. But

Aaron Hernandez.

more recent and nuanced analyses indicate that Americans hold complex correctional views, with punishments viewed to be differentially appropriate depending on the severity of the offender. For example, the state of Arkansas conducted a double execution on April 24, 2017, which was the first time in 17 years that a state had executed two individuals on the same day. The executions received extensive national and international attention, and most of the media attention was negative based on prevailing media norms that disavow capital punishment. However, both of the condemned offenders were sexual homicide offenders, who had raped and murdered their victims. One had murdered multiple victims, and the other was a multiple rapist. Thus, those with a crime-control orientation found the double execution to be a fitting and long overdue act of justice. Americans are generally pragmatic in their assessments of the offender population and the most appropriate ways to respond to them in terms of balancing treatment and punishment (Associated Press, 2017b; Cullen, Fisher, & Applegate, 2000; Unnever, Cochran, Cullen, & Applegate, 2010). In a study of four Massachusetts communities, Andrea Leverentz (2011) found that when crime is framed as an abstract, general issue, people are more likely to view criminal offenders as others and espouse harsh correctional policies. But when crime problems are viewed in local or specific terms, citizens tend to draw important distinctions between various types of offenders as being worthy or unworthy of treatment and punishment. Leverentz noted that few offenders were considered irredeemable, and the public felt that most correctional clients deserved second chances to improve their lives. These data from surveys and interviews with citizens are consistent with the overall objective risk assessment approach used by the correctional system.

The correctional system has become a sort of social institution in segments of American society, and this has important sociological and societal implications. Many of the most economically impoverished cities in the United States have neighborhoods with extremely high concentrations of active criminal offenders. These neighborhoods produce not only high levels of crime and victimization, but also high levels of police activity and, ultimately, correctional activity. To illustrate, the Crime Prevention Research Center released a report in April 2017 that found that just 5 percent of counties in the United States accounted for two-thirds of the murders that occur in the entire country. Conversely, 70 percent of counties had just one murder and 54 percent of counties experienced zero murders (Ng, 2010; Sherfinski, 2017).

What are the consequences of living in areas where correctional status is so normative and routine? In a word, the consequences are disastrous. Children whose parents are or have been incarcerated suffer from an array of social, economic, emotional, and behavioral deficits. These include higher levels of family victimization, higher levels of delinquency, higher levels of delinquency among siblings, worse psychological functioning, increased and more severe behavior problems, greater overall family conflict, and greater family poverty (Aaron & Dallaire, 2011; DeFina & Hannon, 2010). Bonnie Carlson and Michael Shafer (2010) found that children of incarcerated parents suffer from significantly higher rates of child abuse, trauma, and overall stressful life events. These early life deprivations create an array of personal problems that often persist as the children age into adolescence and adulthood. For example, Bradley White and his colleagues (2016) analyzed data from the Behavioral Risk Factor Surveillance System study and found that exposure to an incarcerated family member during childhood was associated with an increased risk for heart attack later in life. These effects persisted even while controlling for a wide range of health behaviors, psychiatric factors, and sociodemographic characteristics.

The negative consequences are not limited to children, however. Former and current correctional clients also experience a range of negative consequences stemming from their imprisonment and other correctional sentences. These include reduced job prospects; reduced earnings; ineligibility for educational loans; ineligibility for public assistance, especially relating to housing; adverse mental and physical health; lower credit; civil disenfranchisement; and so on. From a sociological perspective, the correctional system creates an intended consequence of furthering poverty and social inequality in the United States. Given these dire costs, it is critical that the system accurately assess criminal defendants for their risks and needs to administer a sanction that both serves the interests of public safety and justice while avoiding being too tough to ruin the lives of offenders.

The Continuum of Sanctions

Criminality and Risk

How do judges decide which penalty is most appropriate for a particular criminal defendant? Which sentence is best? Should the sentencing decision be

standardized according to the crime for which the defendant was convicted? Alternately, should circumstances that seem to reduce the culpability of the offenders, known as **mitigating factors**, be used to impart leniency? Or, should circumstances that seem to increase the culpability of the offenders, known as **aggravating factors**, be used to impart a harsher sentence?

Several factors are used to determine which criminal cases enter the system and which cases continue on through conviction and punishment. Criminologists have investigated two types of variables that influence officer discretion: practitioner decision making and criminal justice outcomes. These are **legal variables**, such as offense severity, prior criminal record, and number of charges, and **extralegal variables**, such as demographic characteristics. Legal variables overwhelmingly explain more variation in criminal justice than extralegal variables, yet there is another important variable that is a combination of the legal and extralegal classifications: criminality. **Criminality** is the propensity toward antisocial behavior that a defendant embodies. Often, criminologists use assorted risk and protective factors as proxies of criminality. In this way, characteristics such as age, onset of criminal behavior, employment status, family structure, intelligence, or scores on diagnostic tests such as psychopathy or antisocial personality disorder are viewed as proxies of an offender's criminality.

Criminality has an important practical value because it is one of the factors used by practitioners to decide the most appropriate type of sanction to fit the treatment and punishment needs of the offender. When criminality and crime are exceedingly low, such as most traffic violations, the punishment is a fine and no treatment is needed. When criminality and crime are exceedingly high, such as with capital murder, the punishment can be death and the treatment moot. Of course, most crimes fall between these two extremes, and so criminal punishment attempts to offer some balance of treatment and punishment. As such, community corrections reflect a range of criminal penalties whose treatment and punishment modalities seek to match the varying criminality of correctional clients.

Alex Holsinger and Edward Latessa (1999), criminologists who are noteworthy for evaluating correctional programs, studied the application of the sanction continuum to juvenile offenders and found that criminal justice practitioners appeared to be striking the appropriate balance between treatment and punishment of clients with varying degrees of criminality. Their study examined 544 delinquents who were sentenced to diversion, probation, special/intensive probation, a residential rehabilitation center, or the department of youth services. Sharp differences in criminality existed across the five placements. Those who received diversion were the lowest risks and had the lowest criminality, and those sentenced to confinement were the highest risks and demonstrated the most criminality. For instance, Holsinger and Latessa found that delinquents who were sent to prison had an average criminal risk index score that was 400 percent greater than youths who were diverted. In terms of average behavioral risk score, youths who were placed in a residential center and those who were placed in the department of youth services were 236 percent and 220 percent, respectively, more of a behavioral risk than youths who were diverted.

The logic of the continuum of sanctions is used daily in American corrections. A major initiative in the federal Office of Juvenile Justice and Delinquency Prevention is the comprehensive strategy for serious, violent, and chronic juvenile offenders. The comprehensive strategy blends prevention that targets youths who are at risk for serious delinquency and graduated sanctions, which are used for delinquents. This approach furnishes both prevention/treatment and punishment and is tailored to the specific needs and risk factors of the offender. The most serious and violent delinquents receive the most intensive and severe penalties and pose the greatest need for rehabilitative services. Lesser offenders receive more mild forms of correctional supervision that are discussed next.

Community Corrections

Interchangeably referred to as *intermediate sanctions*, *community corrections*, or *community-based corrections*, intermediate sanctions are any form of correctional treatment that deals with the offender within as opposed to outside of society. Community corrections are a lenient alternative to incarceration that accords criminal offenders the opportunity to rehabilitate themselves and become functioning, noncriminal members of society while still integrated in the society. That community-correctional clients remain at large, embedded in the community, symbolically represents the opportunity that they are given. In fact, all community corrections strike a balance between protecting the community and rehabilitating the offender. This blended practice of law enforcement and social work functions can create

tension because of the competing purposes of these goals. Finally, community corrections are significantly less expensive than prison in terms of the fiscal costs of administering the sanction and the punishment severity *inflicted* on the offender. For these reasons, criminal offenders and criminal justice practitioners alike often view any criminal punishment short of prison as a last resort or final opportunity for the criminal offender to reform his or her antisocial behavior.

In the early 1970s, Norval Morris argued that community corrections must serve legitimate treatment and correctional needs; otherwise they will not alleviate prison crowding. Morris (1974) articulated three principles to guide the placement of offenders on community corrections. First, the sentence should be parsimonious and provide the least restrictive punishment. Second, offenders should receive their just deserts, in that no sanction should be imposed that is greater than what is deserved. In other words, the punishment and the crime need to match. Morris was apprehensive about whether policy makers could accurately make predictions of future dangerousness. Third, sentencing should follow from observed legal characteristics like offense severity. Following these principles should result in defendants being placed on the most appropriate and just intermediate sanction. These principles are common sense in contemporary criminology but were rather groundbreaking at the time because the conventional wisdom was that confinement was the only effective way to rehabilitate criminal offenders.

Compared to traditional punishments of confinement, community corrections are versatile criminal punishments that can fit multiple purposes. Michael Tonry (1998) suggests they can be viewed as punitive because they are more intrusive and burdensome than standard probation. Because of the burdensome conditions that are a part of most intermediate sanctions, violations and noncompliance rates tend to be high. Also, community corrections can be viewed as rehabilitative because programs with well-designed treatment protocols can reduce recidivism among offenders. Community corrections reduce money and prison-bed costs without sacrificing public safety. For instance, probation and parole receive about 15 percent of state expenditures for corrections, yet they account for the supervision of 70 percent of correctional clients.

The main criticism of intermediate sanctions is that they are responsible for the significant growth in the American correctional population. As shown in

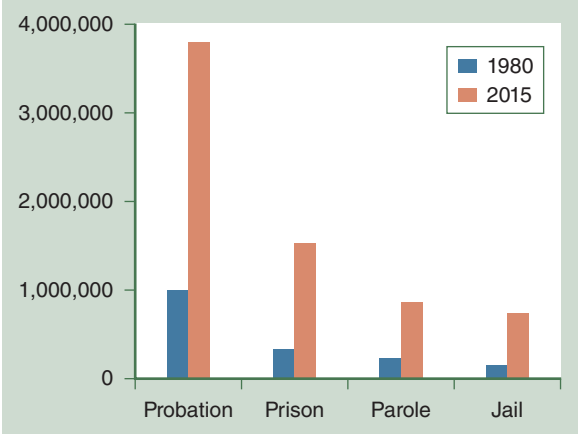


FIGURE 1-2 U.S. correctional populations, 1980-2015.

FIGURE 1-2, the probation population has increased nearly fourfold since 1980. Today, the total correctional population in the United States exceeds 6.7 million, with over 4 million on probation or parole. Approximately 1 in 37 adults, or 2.7 percent, of U.S. adult residents today is under the supervision of the correctional system (Kaeble & Glaze, 2016). The growth of the correctional population via the proliferation of community corrections or intermediate sanctions is referred to as **net widening**. Although intermediate sanctions provide the opportunity for offenders to avoid prison and taxpayers to avoid paying for them to go to prison, the offenders must go somewhere. That somewhere is the community.

Types of Community Corrections

Fines and Restitution

Fines are monetary payments imposed on criminal offenders as a way to repay society for their violation of the law. Fines are the oldest form of intermediate sanction, and arguably the oldest form of criminal punishment, along with death. Before the formalization of criminal justice systems, fines were paid to the specific victim, his or her family, and the community. Today, fines are the universal penalty because virtually all statutes denote some financial penalty, often to supplement another sanction. For example, persons convicted of drunk driving may receive 1 year of probation and a $500 fine.

Fines are collected in a variety of ways. Particularly for petty, traffic, and misdemeanor offenses, fines are imposed upon conviction and the defendant pays upon release from custody. More frequently, community corrections personnel monitor the

payment of fines in the course of supervising their client. For example, the correctional officer interviews the defendant to ascertain his or her financial situation, income, and ability to pay to arrange the schedule for repayment. Failure to pay the fine within the time span specified by the court or administrating agency could result in a warrant for noncompliance—technically, failure to pay. Other jurisdictions employ day fines that are geared to the average daily income of the offender. Day fines help to ensure payment because of the daily responsibility placed on the offender. Other jurisdictions garnish a defendant's wages to ensure payment of fines and restitution. Finally, jail inmates and prisoners often work for wages while incarcerated. That income can similarly be garnished to pay fines, court costs, restitution, and outstanding child support.

The monetary amount of fines varies greatly to match the legal seriousness of the crime. For instance, fines for petty and misdemeanor crimes are often less than $100, whereas fines for individuals or corporations convicted of securities fraud or other white-collar crimes can be hundreds of millions of dollars. It has been argued that affluent white-collar offenders should be forced to pay exorbitant fines that would impose the same level of hardship as prison (Posner, 1980). Another positive consequence would be increased local, state, or federal revenue, depending on the jurisdiction that imposed the fine. Whatever the fiscal potential of fines, they do not generally affect recidivism. Criminologists have found that fines are not helpful in reducing recidivism among offenders forced to pay them primarily because fines are viewed as such an indirect, almost incidental, form of punishment (Critelli & Crawford, 1980). Additionally, Alex Piquero and Wesley Jennings (2017) found a positive association between fines and subsequent recidivism in a study of serious juvenile offenders. These findings challenge the deterrent value of financial penalties.

Whereas fines are paid to the state, **restitution** is paid to the crime victim to recoup some of the harm caused by the offender's wrongful acts. All criminal courts have the authority to order convicted offenders to pay restitution to victims as part of their sentences. In many states, courts are required to order restitution to victims in cases involving certain types of crimes, typically violent felony offenses.

Restitution can cover any out-of-pocket losses directly relating to the crime, including medical expenses, therapy costs, counseling costs, lost wages, expenses related to participating in the criminal justice process, lost or damaged property, insurance deductibles, crime-scene cleanup, or any other expense that resulted directly from the crime. Some restitution programs are rather creative. For instance, the Firewood Program is a restorative justice program for juveniles in rural Pennsylvania; the young offenders split, stack, and deliver firewood to members of the community to earn restitution money for victims of juvenile delinquency. In addition to restitution, the program also provides the opportunity for community service. Sarah Kuehn, John Yarnell, and David Champion (2014) evaluated the Firewood Program and found that youth who participated not only completed their restitution payments faster but also developed more empathy than youth who did not partake in the program.

When courts order restitution, they look not only at the victim's losses, but also at the offender's ability to pay. In some states, the court may reduce the total amount of restitution ordered if the offender is unlikely to be able to pay that amount. In other states, courts will order the offender to pay for the full amount of the loss, but then set a payment schedule based on the offender's finances, which may only be a minimal amount per month. Maureen Outlaw and Barry Ruback (1999) reported that offenders who have greater resources, more protective factors, and a minimal criminal record are most likely to pay restitution on time. Unfortunately, many victims wait years before they receive any restitution because of the assorted deficits of the average criminal offender. To help ensure the payment of restitution, it is often an explicit condition of probation such that failure to pay restitution can result in revocation of the probation sentence (Gills, 2002).

Forfeiture

Another financial-based intermediate sanction is forfeiture. **Forfeiture** is the loss of ownership for the illegal use of some property or asset. Criminal forfeiture is *in personam*, which means that the criminal defendant is the target of the forfeiture that can only occur after criminal conviction. Civil forfeiture is *in rem*, which means that it targets property, and it does not require formal adversarial proceedings, and adjudication of guilt is not needed. Criminal forfeiture became part of contemporary criminal justice in 1970, with the enactment of the Racketeer Influenced and Corrupt Organizations (RICO) statutes that targeted the operations of organized crime activities, such as racketeering, extortion, drug trafficking, or money laundering. The RICO statutes provided the

legal justification to seize any assets associated with or produced by criminal enterprises. Many states have similarly developed RICO statutes based on the federal model.

Initially developed to tackle organized crime, forfeiture has increasingly been used to target drug violators. Criminal justice system agents began to employ both criminal and civil forfeiture as a way to cripple the resources of drug offenders (comparable to those of organized crime networks) and utilize proceeds from the seized assets. However, because civil forfeiture did not depend on adversarial criminal prosecution, it was viewed as a violation of the due process rights of criminal defendants. The passage of the Civil Asset Forfeiture Reform Act (CAFRA) of 2000 rectified this by providing the procedural protections available to criminal defendants to those whose assets are seized. Moreover, prosecutors are charged with the burden of proving that particular crimes have occurred and that the seized assets are the fruits of criminal activity, have facilitated criminal activity, or are contraband in itself (Clingermayer, Hecker, & Madsen, 2005).

Criminologists have produced mixed findings regarding the prevalence of forfeiture and the reliance of the criminal justice system on the sanction. John Worrall (2001) surveyed 1,400 municipal and county law enforcement agencies to examine their use of civil forfeiture against drug violators. Worrall found that law enforcement agencies commonly used civil forfeiture and that 40 percent of agencies reported that forfeiture was a necessary way to supplement the departmental budget. James Clingermayer, Jason Hecker, and Sue Madsen (2005) surveyed 70 law enforcement agencies in Ohio and Kentucky and found a much different situation regarding forfeiture. Although they found that virtually all jurisdictions used forfeitures, the forfeitures were overwhelmingly of the criminal variety following a criminal prosecution. Most agencies never used civil forfeiture. Moreover, agencies received a very small part of their budgets from seizures, and the sanction had little impact on police procedures and policies. Nevertheless, forfeiture is a useful and potentially lucrative intermediate sanction used to cost-effectively punish criminal offenders.

Research is mixed about how widespread the use of forfeiture of drug assets to subsidize criminal justice systems is.

Day Reporting

Day reporting is a multifaceted intermediate sanction that serves both pretrial and postconviction criminal defendants. The sanction requires that defendants report to an official criminal justice facility on a daily basis to check in and demonstrate to correctional staff that they are complying with the conditions of their current legal status. For pretrial defendants who have been released on bond, day reporting usually occurs at the county jail or a community corrections facility. Depending on the conditions of their bond, defendants may submit to Breathalyzer tests or provide proof that they worked or attended counseling. Because clients must interact daily with correctional staff, day reporting theoretically reduces the incentive to engage in criminal behavior that would violate the conditions of bond. Day reporting allows defendants to remain in the community to work toward their own rehabilitation. Pretrial day reporting also saves on jail space and costs and is one of the most widely used alternatives to incarceration.

Day reporting is also used for postconviction groups, especially probationers and parolees. Day reporting centers provide an assortment of services, such as substance abuse treatment, cognitive restructuring, anger management classes, batterer education classes, parenting skills education, mental health treatment, and others that are designed to reduce antisocial attitudes and behaviors that lead to crime. Day reporting is an explicit condition of their supervision and provides greater supervision than traditional probation because of the frequency of contact. Day reporting centers also refer correctional clients to services in the community not provided by the center.

Several evaluations of day reporting have indicated that the sanction is a promising way to reduce recidivism and increase the prosocial functioning of criminal offenders. D. J. Williams and Tiffany Turnage

(2001) conducted a 1-year follow-up study of 92 day-reporting clients in Utah and found that 67 percent had no postdischarge problems and 78 percent of the offenders remained out of jail or prison. Based on data from offenders in Indiana, Sudipto Roy and Jennifer Grimes (2002) found that 69 percent of clients successfully completed the day reporting program compared to 31 percent who did not. An evaluation of nearly 1,400 day reporting clients in Illinois found that clients who utilized more services offered by the day reporting center had lower recidivism rates than clients who did not take advantage of the resources provided (Lurigio & Olson, 2003).

Who succeeds and fails in a day reporting program depends primarily on the criminality and social and behavioral risk factors that the individual offender possesses. Clients who have moderate to strong ties to the community, are employed, do not have drug problems, and have little to no criminal history tend to be very compliant with day reporting just as clients with this profile tend to be compliant with all forms of punishment. In contrast, clients who have poor work, school, and family connections; are addicted to drugs and alcohol; and who have extensive criminal history fare worse on day reporting and all forms of criminal punishment. Indeed, habitual criminals have been found to be 400 percent more likely to violate the conditions of day reporting than first-time offenders (Roy & Grimes, 2002). Nevertheless, day reporting has proven to be a viable, cost-effective intermediate sanction that can serve the needs of all but the most recalcitrant offenders (Craddock, 2004; Craddock & Graham, 2001).

Community Service

Community service is a form of restitution that involves civic participation toward the improvement of the community. Examples of community service are working with social service–providing agencies, such as the Boys and Girls Club of America; cleaning public parks or roadways; and any activity that constitutes a donation of time to the public good. Community service is usually ordered in conjunction with other intermediate sanctions. For example, a defendant is sentenced to 1 year of probation in which he or she must pay $500 in fines, court costs, and restitution and perform 100 hours of community service. Depending on the sentence, community service is monitored by a probation officer or community corrections specialist. In most jurisdictions, a network of social service providers are approved by the courts and defendants select the agencies with which they want to collaborate. Sometimes, defendants are ordered to donate their time to a specific social service agency, especially if the agency is in some way related to the crime. For instance, a person convicted of driving while intoxicated may be ordered to work with practitioners in youth prevention programs that target alcohol use.

Unlike other intermediate sanctions, the criminal justice system does not expect significant reductions in recidivism because of community service. Because it is usually ordered in conjunction with other penalties, it is somewhat difficult to separate the potential independent effects of performing a public good on reducing crime rates. Depending on their criminal history and other social characteristics, offenders view community service as an annoying, even onerous, time commitment; a welcome opportunity in lieu of jail; or an empowering experience that will likely deter future crime. Irrespective of what offenders feel about it, community service allows the criminal justice system to mandate civic activity that improves the community, and many courts permit indigent defendants to perform community service to work off fines (Caputo, 1999; Harris & Lo, 2002).

Deferred Prosecution, Judgment, or Sentence

Variously referred to as a **deferred prosecution**, **judgment**, or **sentence**, deferring a defendant's sentence is one of the most widespread and cost-effective ways to control the correctional population. Here is a hypothetical case illustrating how it generally works. Suppose a defendant with minimal criminal history is arrested for theft. The defendant then pleads guilty to the crime in exchange for a deferred judgment period, usually ranging from 6 months to 2 years. Unlike probation, deferred sentences entail no conditions and do not require the defendant to check in with correctional personnel. Instead, clients who received a deferred sentence must simply not get arrested during the specified time period and theoretically abstain from committing crimes. If the defendant remains crime free for the specified period, the guilty plea is voided and the entire event expunged from the defendant's record.

Deferred sentences are used for both misdemeanor and felony crimes. Because of the possibility of **expungement**, which is the complete removal of a criminal record from existence, deferred sentences offer one of the best incentives for offenders to reform their criminal ways. If defendants are re-arrested during the deferred sentence, two courses of action are pursued. First, the deferred period is

extended, for example, from 6 months to 1 year, and the defendant is provided another opportunity on the deferred sentence. Second, the deferred sentence is revoked and the client is placed on probation. Importantly, a guilty plea that results in probation will not be dismissed and expunged regardless of how well the client complies while under supervision.

Conrad Printzlien originally devised deferred prosecution. Printzlien noted the differences in criminality among juvenile offenders and hoped to divert nonserious offenders from the criminal justice system and reserve punishment resources for the most serious offenders. Printzlien conducted a background investigation on his clients. Those with stable community ties and minimal prior record had their criminal charges held in abeyance for a specific time frame contingent on the defendant's good behavior. If the juvenile delinquent did well on the deferred sentence, the case was closed and expunged. Youths who did not comply faced the original complaint or prosecution. This early form of deferred sentencing was known as the *Brooklyn plan* (Rackmill, 1996).

Home Detention, House Arrest, and Electronic Monitoring

Home detention, variously referred to as **house arrest** or *home confinement*, and **electronic monitoring** are distinct intermediate sanctions that are routinely combined for use in the same sentence. House arrest is a sanction in which the offender must not leave his or her home with the exception of court-approved times for work and treatment. For instance, a person may be permitted to leave the house during business hours Monday through Friday. When not working or traveling to work, the client must remain in the home. Offenders can be monitored by telephone, work visits, or more commonly via electronic surveillance devices that are attached to the body of the offender. The electronic monitoring device, known in popular culture as an *ankle bracelet*, sends a signal that notifies correctional personnel if the client leaves the house and thus violates the sentence.

Home detention and electronic monitoring are appealing intermediate sanctions for a variety of reasons. First, they permit convicted offenders to remain in the community and continue to be contributing members of society. Because their freedom is curtailed to work and treatment, the sanctions force offenders into a concentrated commitment to conventional behavior. In the same way, offenders are not permitted to go to bars or other places with high potential for criminal opportunities. Randy Gainey and Brian Payne (2000) interviewed offenders who had been placed on home detention with electronic monitoring and

CORRECTIONS FOCUS

Tracking Prisoners

Have you ever been lost? Worse yet, have you ever lost track of someone you were supposed to be watching? Now imagine what the consequences might be if the person you were assigned to watch also happened to be a convicted sexual predator or other serious offender. Keeping track of prison inmates is a full-time job, but there are tools that can make this job manageable. Some of these tools are as simple as closed-circuit TVs. Others are more sophisticated and costly. These options include global positioning systems (GPS), such as those used in the monitoring of correctional clients, colloquially known as "ankle bracelets," radiofrequency identification (RFID), and even biometrics.

Most of us are familiar with GPS. They are a common feature in cell phones, automobiles, and even children's toys. In a nutshell, here is how these instruments work. GPS uses a triangulation process that is linked to three satellites. The GPS receiver measures the travel time of radio signals and determines the location of the signal's origin by measuring the distance from the signal to each of the three satellites. But it is not just the distance that is used to determine location—velocity is also used. The velocity of a radio frequency is commonly referred to as the speed of light, which is 186,000 miles per second. Using three satellites, three different distances, and one constant

(*continues*)

Tracking Prisoners (*continued*)

speed, the location of the signal is calculated using basic math, and from it the signal's position can be determined.

Manufacturers strongly recommend that both guards and inmates wear RFID transmitters. Guards wear them for reasons of safety and welfare, while inmates wear them for reasons of tracking and surveillance. Each transmitter emits an assigned radio frequency that identifies the wearer every 2 seconds. The radio frequencies are received by multiple antennas strategically located throughout the facility. The signal is routed to a server and the data are translated by a computer program that provides detailed information on the location of the device and the person wearing it.

Biometrics refers to a system of identification that uses physiological and/or behavioral characteristics, and its use is commonly portrayed in movies and on TV. Identification is verified by examining a person's iris, retinal, and facial characteristics, but biometrics can also include fingerprint and voice identification, as well as a dynamic signature, to verify an individual's identity. Biometric fingerprinting is used during the booking process for all criminal defendants in the United States. All of these types of biometric techniques have advantages and disadvantages. In one recent study, corrections officials for the navy tested various methods and found that in a prison environment, facial recognition technology had a higher than acceptable false-positive rate and that voice recognition was far too unreliable.

To date, 48 states have passed legislation authorizing the electronic monitoring of offenders, most commonly using GPS. Gaylene Armstrong and Beth Freeman reported in a recent study that the legislative desire for GPS is outpacing its technological capability. Unfortunately, it is relatively common to lose a satellite signal for offenders using GPS monitoring, which results in many false alerts. These false triggers, in turn, require additional increases on officer workload.

SOURCES: G. S. Armstrong & B. C. Freeman. (2011). Examining GPS monitoring alerts triggered by sex offenders: The divergence of legislative goals and practical application in community corrections. *Journal of Criminal Justice, 39*, 175–182; S. V. Gies. (2015). A tale of two studies: Lessons learned from GPS supervision in California corrections. *Corrections Today, 77*(7), 20–22; T. Harris & M. Brain. (2017). How GPS receivers work. Retrieved May 15, 2017, from http://electronics.howstuffworks.com/gadgets/travel/gps.htm.

found that most offenders viewed the intermediate sanction as a positive experience that was certainly better than jail.

Second, house arrest and electronic monitoring address offenders who ordinarily would have been sentenced to jail. Consequently, the sanctions offer significant savings in terms of jail space, jail operating costs, and jail crowding (Courtright, Berg, & Mutchnick, 1997a, 1997b; Papy & Nimer, 1991; Vollum & Hale, 2002). Third, evaluation studies from several states, including California, Georgia, and Virginia, found evidence that offenders on house arrest/electronic monitoring had lower recidivism rates than comparable offenders (Finn & Muirhead-Steves, 2002; Gainey, Payne, & O'Toole, 2000; Glaser & Watts, 1993). Electronic monitoring has the potential for enormous cost savings. Drawing on nationally representative correctional data, Stuart Yeh (2010) conducted a cost-benefit analysis of what would occur if all parolees and probationers were instead monitored using electronic monitoring and home detention. Yeh found that 781,383 crimes could be averted each year, resulting in an annual savings of $481.1 billion. Society would gain $12.70 for every dollar expended on Yeh's proposal.

These sanctions are not without their deficiencies. First and foremost is that the sanctions cannot address criminal behaviors that occur within the home. Offenders may successfully comply with their sentence while engaging in domestic violence or child abuse or using drugs within their home. Second, the crime-saving effects of house arrest and electronic monitoring are equivocal. Kevin Courtright, Bruce Berg, and Robert Mutchnick (1997a, 1997b, 2000) studied offenders in Pennsylvania and found that these offenders were as likely as jail inmates to get rearrested or have their probation revoked. Similarly, James Bonta and his colleagues (2000) found that electronic monitoring was ineffective at reducing recidivism, added little value as an intermediate sanction, and only served to widen the net of the correctional apparatus (for more criticisms of this

sanction, see Schmidt, 1999, and Corbett & Marx, 1991). Finally, Matthew DeMichele (2014) has observed that perhaps too much has been expected of electronic monitoring; it is merely a form of technology, it is not a treatment or correctional program or solution. For this reason, the mixed research findings on electronic monitoring should prompt thought about the quality and extent of supervision that clients on electronic monitoring receive to address their criminological needs. The electronic monitoring device is simply the tool that detects various acts of noncompliance, it does not provide reasons why the offender was noncompliant.

Probation

Probation is a sanction for criminal offenders who have been sentenced to a period of correctional supervision in the community in lieu of incarceration. Probation offers conditional freedom to offenders who must abide by a variety of conditions that are imposed to facilitate their rehabilitation. Common probation conditions are substance abuse counseling and urinalysis, no contact with victims in the case, psychiatric counseling, restitution, community service, maintenance of employment, and regular communication with one's probation officer. *Standard conditions* refer to universal mandates that apply to all probationers, such as regularly reporting to their probation officer. *Treatment conditions* address a problem or issue that, if resolved, will help the offender remain crime free. *Punitive conditions* are restrictions or limitations that are placed on probationers convicted of the most serious crimes.

A **probation officer** is the practitioner who oversees and monitors a probationer's case to determine whether the defendant is complying with all conditions of probation. When a probationer does not comply with his or her sentence, the probation officer can pursue two courses of action. Unless there is a grievous violation, such as an arrest for a new violent felony, the probation officer will warn the probationer and potentially seek to impose new conditions or extend the period of probation. Both of these actions must be court approved before the probation department may act. Other times, the probation officer arrests the probationer for violating the terms of the sentence. At court, the probation sentence can be terminated, usually resulting in a prison sentence, or made more restrictive. Persons who are performing exceptionally well can also have their probation terminated early. Violations of probation that are based on relatively minor conditional violations are oftentimes referred to as *technical violations*.

Probation officers are a very important part of the correctional system, and are instrumental at helping steer correctional clients away from criminal opportunities. For instance, Joel Miller, Kim Copeland, and Mercer Sullivan (2015) conducted interviews with dozens of probation officers to examine ways they help to rehabilitate probationers. They found that officers attempt to keep probationers as busy as possible with work and treatment obligations so that their unstructured free time is significantly reduced. Officers also set strict limits on the locations and individuals with whom their clients can interact and provide coaching on how to avoid risky, crime-laden situations, contexts, and persons. Probation officers also worked closely with human services agencies to ensure that clients were accessing various community and treatment supports.

Probation is the jack-of-all-trades sanction because it touches virtually all aspects of criminal justice. Upon arrest, it is usually the department of probation that conducts a **presentence investigation (PSI) report**, which is the primary source of information that the court uses to determine which cases will be deferred from formal prosecution. The criminal and social history information in the PSI report can affect bond and pretrial release, adjudication, sentencing, correctional placement, and supervision. Joan Petersilia, a well-known correctional scholar, expressed that, "No other justice agency is as extensively involved with the offender and his case as is the probation department" (1997, p. 159; see also, Petersilia, 2011).

Probation also plays a major part in deflecting or diverting crimes from the criminal justice system and thus provides great savings on court and correctional expenditures. Aside from nominal criminal offenders, recidivism rates are relatively high. This means that offenders already on probation commit many new crimes. Once this happens, the courts have a decision to make. They can either initiate prosecution for the new crimes or simply use the new arrest as the basis for a violation or revocation of probation. Prosecutors favor the latter approach. Rodney Kingsnorth and his colleagues (2002) found that prosecutors believed that case disposition by means of a probation violation hearing and revocation was preferable to filing new charges. Because probation violations could readily result in jail or prison sentences, new charges were often rejected or dismissed to streamline the case against the offender.

In this way, probation and its violation can serve a quasi-judicial function.

Parole

Parole is a method of completing a prison sentence in the community rather than in confinement. A paroled offender can legally be recalled to prison to serve the remainder of the sentence if he or she does not comply with the conditions of parole. Parole conditions are similar to probation conditions as parolees are expected to seek or maintain employment, attend mental health counseling or therapy, participate in substance abuse treatment, submit to drug tests, avoid contact with victims in their case, and avoid contact with other negative influences such as felons or fellow gang members. More than 80 percent of parolees have various conditions by which they must abide. Two types of parole exist. **Discretionary parole** occurs when parole boards have the discretionary authority to conditionally release prisoners based on a statutory or administrative determination of eligibility. **Mandatory parole** occurs in jurisdictions using determinate sentencing statutes (e.g., conviction for Class B felony is 25 years) in which inmates are conditionally released from prison after serving a portion of their original sentences minus any good time earned (Hughes, Wilson, & Beck, 2001).

Parole plays the following three critical roles in the criminal justice system (Travis & Lawrence, 2002):

1. Parole boards determine the actual length of prison sentences once an offender has served the minimum term of his or her sentence. On a case-by-case basis, the parole board determines whether a prisoner is ready to be released into the community. Because of this, the parole board, an executive branch agency, has considerable oversight on the judiciary.
2. Parole agencies supervise probationers and therefore oversee the reintegration of returning prisoners.
3. Parole boards and parole officers are authorized to revoke parolee sentences if they are not in compliance. In this sense, parole serves an important crime control function by removing high-risk criminal offenders from the community once it is clear that they are recidivistic and noncompliant.

The primary distinction between parole and all of the other forms of community corrections is that parolees are placed in the community after serving time in prison. Conversely, other intermediate sanctions place offenders in the community in lieu of prison. Parole shares the same nomenclature as probation. For instance, parole officers supervise parolees, monitor them for parole violations, and have the authority to revoke parole. However, there is one important difference: parole is always a state function that is administered by one executive department per state.

To many, parole is the most serious form of community corrections because of the criminality of the population. Unlike probationers, half of whom were simply convicted of misdemeanors, parolees are all convicted felons who have served time in prison. Parolees are the most high-risk group of correctional clients. Because of this, the parole board, the administrative board that is empowered to grant parole, must be mindful of crime control when deciding which inmates to grant another opportunity for redemption.

Institutional Corrections

When most people think of corrections, they envision institutional corrections in which criminal offenders are confined, locked up, removed from society, and kept away or incapacitated from other members of society. Other than capital punishment, institutional corrections are the harshest form of criminal punishment and are reserved for offenders convicted of felonies, especially serious crimes including murder, rape, robbery, kidnapping, child molestation, and the like, and generally for offenders with extensive criminal histories. The various forms of institutional corrections are explored next.

Jail and Prison

Jail is a local correctional facility usually operated by a county sheriff's department and used for the short-term confinement of petty offenders, misdemeanants, persons convicted of low-level felonies, and persons awaiting transport to some other criminal justice or social service agency. Jails confine persons before and after adjudication, and those who have been sentenced typically serve sentences of usually no more than 1 year. Jails house a diverse group of inmates and also (Carson & Anderson, 2016):

- Receive those pending arraignment and hold them pending trial, conviction, or sentencing.
- Readmit probation, parole, and bail-bond violators and absconders.

- Temporarily detain juveniles pending transfer to juvenile authorities.
- Hold mentally ill persons pending their movement to appropriate mental health facilities.
- Hold individuals for the military, for protective custody, for contempt, and for the courts as witnesses.
- Release convicted inmates to the community upon completion of sentence.
- Hold inmates pending transfer to federal, state, or other authorities.
- House inmates for federal, state, or other authorities because of crowding of their facilities.
- Operate community-based programs as alternatives to incarceration.

Although the general public and television crime dramas often use *jail* and *prison* interchangeably, there are important differences. Michael Harrington and Cassia Spohn (2007) identified several differences between the facilities. First, the quality of life in jail is generally much better than in prison because of the shorter duration and the less serious types of offenders with whom one is to be housed. Second, jails are located close to where offenders live; prisons are often located in remote areas, often far away from the cities in which offenders disproportionately lived before they were incarcerated. Third, whereas prisons are isolating, jails facilitate community ties with the continuation of employment, treatment, and family opportunities. As such, as far as institutional corrections go, jails are preferable to prisons.

A **prison** is a correctional facility used to confine persons convicted of serious crimes and serving sentences of usually more than 1 year. Most prisons are state-administered facilities, although the federal criminal justice system (discussed later in this chapter) also operates a separate prison system known as the Federal Bureau of Prisons (BOP). State prisons can also be administered by private correctional organizations. A defendant who has been sentenced to prison is known as an **inmate** or a **prisoner**.

Although confinement has existed in Western societies for centuries, prisons as they are understood today are an American invention. In the early 19th century, prisons, then symbolically known as *penitentiaries*, were hailed as an outgrowth of the Enlightenment, during which criminal offenders were confined and expected to contemplate their criminal behavior and work toward their rehabilitation and ultimate redemption. Inmates were expected to be penitent, defined as feeling or expressing remorse for one's misdeeds or sins; as such, the penitentiary was designed as a place for criminals to repent. Throughout American history, prisons have reflected the social conditions of the day. Early prisons reflected the intense religiosity of the colonial era. Modern prisons reflect the pragmatic goals of incapacitation, crime control, and due process. Prisons have always been controversial and marked by periods of reform.

Halfway Houses/Residential Treatment

The term **halfway house** describes the status of a criminal defendant that is partially confined and partially integrated into the community. Traditionally, halfway houses served postconviction offenders as they transitioned from prison confinement to a period of aftercare or parole. However, for a variety of reasons, such as alcohol or drug treatment, mental health counseling, or some other risk factor, halfway house clients were viewed as too risky to be entirely released to the community. Unlike prisons, which are absolutely secured, halfway houses are correctional facilities from which residents are regularly permitted to leave the facility, unaccompanied by a correctional official, to attend treatment, use community resources (pertaining to their rehabilitation), attend school or some educational program, work, or seek employment. Halfway house residents generally sleep at the facility and are free to participate in their

Residential communities assist correctional clients in their transition to conventional society.

structured activities during specified times, usually normal business hours.

Today, halfway houses are often referred to as *residential communities*, *residential community corrections*, or **residential treatment** facilities. Halfway houses are advantageous as an intermediate sanction for two reasons: their cost effectiveness and role in transitioning offenders for their return to society. They are more cost-effective than prison, and many jurisdictions utilize private halfway houses that offer even greater cost savings. For instance, Travis Pratt and Melissa Winston (1999) analyzed a nationwide census of public and private correctional facilities and found that private halfway houses were among the most cost-efficient forms of community supervision.

Similar to most intermediate sanctions, halfway houses now serve both pretrial and postconviction offenders. Depending on the jurisdiction, parolees or probationers can reside in halfway houses. In some places, high-risk defendants on bond can reside in halfway houses or even county jails in special work release or work-ender units in which offenders reside in the facility when not working or attending treatment. Using various data sources and types of offenders, residential treatment has been found to be fairly effective at reducing recidivism and violence among criminal offenders (for examples, see Dowell, Klein, & Krichmar, 1985; Hartman, Friday, & Minor, 1994; for more equivocal findings, see Dowdy, Lacy, Unnithan, 2002; Latessa & Travis, 1991). Even more importantly from an administrative perspective, halfway houses provide another inexpensive opportunity to supervise criminal offenders for whom prison would be too expensive and perhaps too severe a sanction (on overuse of prison to serve lower-risk offenders, see Bonta & Motiuk, 1990).

Boot Camps/Shock Incarceration

Correctional **boot camps**, sometimes referred to as **shock incarceration** or *intensive incarceration*, are short-term incarceration programs that incorporate the strict discipline, hard labor, and physical training of military basic training followed by an aftercare program, parole, or probation (depending on the state and the legal classification of the offender) that contains conditions and treatment. A major advantage of boot camps is that they are significantly less expensive than placing felons in traditional prison (MacKenzie & Piquero, 1994). Boot camp participants are young convicted felons without extensive criminal histories for whom boot camp is an opportunity for rehabilitation in lieu of prison confinement. Boot camps were first introduced in 1983 in Georgia and Oklahoma to tremendous public and political fanfare. Citizens appreciated the harsh discipline, physical coercion, and tough-love approach to simultaneously treating and punishing youthful criminals. Some academic criminologists detested boot camps for these same reasons (Lutze & Brody, 1999; Welch, 1997).

Evaluations of boot camps in many states have produced conflicting findings about the overall effectiveness of boot camps as an intermediate sanction depending on the study outcome. Faith Lutze (1998) found that boot camps were successful in providing an environment of safety and discipline, which offenders felt was more conducive to rehabilitation than what a minimum security prison could offer. This is an important point to consider because many correctional clients were raised and live in chaotic, dysfunctional, and often negative environments; thus, the discipline environment of a boot camp is potentially a welcome change. Even if boot camps offer an environment that seems conducive to rehabilitation, offenders do not always take advantage. For instance, a variety of criminologists have found that offenders who attended boot camp were no better than traditional prisoners in terms of reducing their antisocial attitudes, delinquent cognitions, or recidivism (MacKenzie, 1991; MacKenzie & Brame, 1995; Mitchell, MacKenzie, & Perez, 2005). The effectiveness of boot camps is also contingent on the legal classification and even criminality of the participants. Boot camps were designed for offenders with little to no criminal history and tend to be most effective for such clients. When offenders with more extensive criminal records are placed in boot camps, the results are less impressive (Stinchcomb & Terry, 2001).

After 30 years of research on boot camps, three important conclusions can be drawn:

1. The ultimate effectiveness of boot camps (and any sanction for that matter) depends greatly on the criminality of the clients. To illustrate, Brent Benda and his colleagues have consistently found that boot camp graduates who have low self-control, deficits in social skills, and frequent associations with criminal peers are significantly more likely to recidivate when followed for 5 years. Boot camp alumni with gang, drug, and weapons histories were also more problematic than clients who did not have this criminal baggage (Benda, 2003; Benda, Toombs, & Peacock, 2003, 2006).

Although they receive great publicity and public support, boot camps are mostly ineffective at reducing recidivism among most correctional clients.

© U.S. Marine Corps photo by Sgt. Bryan Nygaard/Released.

2. The overall effects of boot camps on recidivism and related outcomes are modestly positive. Doris Layton MacKenzie, David Wilson, and Susanne Kider (2001) conducted an exhaustive meta-analysis of 29 studies that used 44 samples of boot camp offenders. In nine studies, boot camp participants had lower recidivism than comparison groups who either did not participate in the boot camp or were simply sentenced to prison. In eight studies, boot camp clients were worse than their counterparts. In 12 studies, no significant differences emerged. Boot camps that were most effective offered more rehabilitation components, such as drug treatment and education programs, and targeted prison-bound offenders (MacKenzie et al., 2001; MacKenzie, Brame, McDowall, & Souryal, 1995).
3. Even if boot camps modestly affect recidivism, they are important because they cost significantly less money than sending the same offenders to prison. These short-term cost savings will likely continue to justify the use of boot camps. Indeed, Benjamin Meade and Benjamin Steiner's (2010) recent systematic review of the boot camps literature found that boot camps reduce the number of confinement beds that jurisdictions require. Notwithstanding the other pros and cons about boot camps, they make fiscal sense.

This was but a snapshot of the various sentences that are part of the correctional system. Next, the correctional system is examined by the numbers in terms of the statistical size of the various correctional populations, expenditures and employment information, and collateral issues that give corrections a broader societal relevance, such as its impact on popular culture, the media, and public health. Finally, the chapter concludes with a profile of federal corrections, which are distinct from the assorted local and state correctional systems.

Corrections by the Numbers

As noted earlier in the chapter, the correctional population exceeds 6.7 million adults, which equates to about 2.7 percent of the U.S. adult population. In other words, 1 in every 37 adults is either incarcerated, on probation, or on parole. According to the most recent data that were collected at yearend 2015, this was the first time since 2002 that the American correctional population was less than 6.8 million. Among the persons currently under correctional supervision (Carson & Anderson, 2016):

- Nearly 3.8 million are on probation.
- More than 870,500 are on parole.
- More than 1.5 million are in state or federal prison.
- Nearly 730,000 are in jail.
- Nearly 13,000 are in territorial prisons.
- More than 13,000 are in facilities under the authority of the Bureau of Immigration and Customs Enforcement.
- More than 1,400 are in military facilities.
- Nearly 2,000 are in jails on Native American reservations.
- Nearly 100,000 are in juvenile facilities.

The correctional population varies greatly between states. A good rule of thumb is that if a state has many electoral votes, it also has large probation, parole, and prisoner populations. For example, nearly 700,000 inmates are concentrated within the BOP, California, Texas, Florida, and New York. California and Texas have roughly 170,000 prisoners, whereas less populated states, such as North Dakota, Maine, Wyoming, Vermont, and New Hampshire, have between 1,000 and 2,000 inmates. Nearly 130,000 inmates, representing 8 percent of all inmates, are supervised in privately operated prisons (Carson & Anderson, 2016).

Because social groups have dramatically different rates of criminal behavior, the effects of the

correctional system on gender, racial, and ethnic groups varies. Sharp differences in offending by gender, race, and ethnicity are observed. With regards to gender, males have an imprisonment rate of 1,260 per 100,000 U.S. residents, which is a staggering 10.5 times higher than the rate for females, which is 120 per 100,000 U.S. residents. Women comprise just 9.2 percent of the total prison population. Racial and ethnic minorities are disproportionately sentenced to probation and parole and also comprise 66 percent of the state and federal prison population. African American males have an imprisonment rate of 1,745 per 100,000 U.S. residents, which is nearly six times higher than the rate for white males (312 per 100,000) and more than double the rate for Hispanic males (820 per 100,000) (Carson & Anderson, 2016).

Thomas Bonczar (2003) estimated that more than 5.6 million American adults residing in conventional society have previously served time in prison. The rate of ever having gone to prison among adult African American males (16.6 percent) is double the rate of Hispanic males (7.7 percent) and more than six times the rate of white males (2.6 percent). Bonczar also reported that *if* incarceration rates remain unchanged, 6.6 percent of U.S. residents born in 2001 will go to prison in their lifetime, including about 1 in 3 African American males, 1 in 6 Hispanic males, and 1 in 17 white males. For women, the rates were more than 1 in 20 for African Americans, more than 1 in 50 for Hispanics, and less than 1 in 100 for whites.

American justice also plays a significant economic role, and the correctional system comprises the bulk of public spending for crime control. For instance, the California prison system operates at approximately 175 percent above capacity and costs billions to operate. In 2007, California legislators passed a $7.3 billion plan to add more than 53,000 additional beds for inmates and more rehabilitation programs. On a national level, investigators within the Bureau of Justice Statistics reported that in 2007, more than $228 billion was spent on the criminal justice system, a threefold increase since 1982. Total justice system expenditures comprised nearly 10 percent of all state and local public expenditures—approximately as much as expenditures on hospitals and health care. According to a report based on national-level data, nearly 3 million Americans work in the criminal justice system, resulting in a monthly payroll of over $10 billion (Associated Press, 2007).

Total direct expenditures (**FIGURE 1-3**) on corrections have increased more than 600 percent since

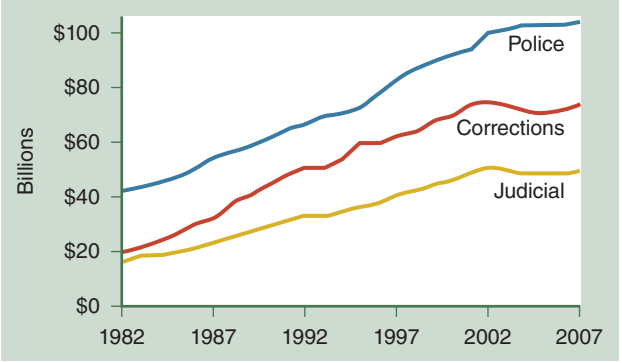


FIGURE 1-3 Trends in justice system expenditures.

Bureau of Justice Statistics. (2017). *Direct expenditure by criminal justice function, 1982-2007.* Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

1982. Increases for policing and courts are about 400 percent and nearly 500 percent, respectively. The federal criminal justice system (discussed later in this chapter) has experienced even greater growth. Between 1982 and 2005, for example, the federal government increased expenditures on policing by 708 percent, legal services by 573 percent, and corrections by 925 percent (Kyckelhahn, 2010).

Within the correctional system, prisons are far and away the costliest to run. James Stephan (2004) estimated that more than $38 billion is spent annually to maintain the nation's state prison systems. Daily operating expenses exceed $28 billion. About 77 percent of a state's correctional costs are spent on prison operations, with the remaining 23 percent devoted to juvenile justice, probation and parole, other community corrections, and administration. Medical care for state prisoners totaled more than $3 billion each year, which is 12 percent of operating expenditures. According to the most recent data, one state prisoner costs taxpayers $22,650 per year, or $62.05 per day, to incarcerate. In the federal BOP, the figures are $22,632 per year, or $62.01 per day (Stephan, 2004).

As discussed earlier in this chapter, in addition to its monetary costs, the American correctional system unfortunately creates collateral problems for American society. In some cases, the corrections system has achieved cultural significance.

The correctional system and correctional clients create at least four important problems for mainstream society: crime, family disruption, economic liability, and public health.

1. The most obvious collateral consequence of the correctional system is the inability to effectively

reduce crime. This does not necessarily mean that the correctional system is incompetent and cannot provide services toward offender rehabilitation. Instead, it is more the case that more serious correctional clients exhibit a variety of behavioral and personality risk factors that significantly increase the likelihood of recidivism. For example, researchers with U.S. Probation and Pretrial Services found that about 12 percent of supervised release clients in their jurisdiction experienced homicidal ideation (i.e., thoughts about killing other people). However, these were not mere thoughts. Clients with homicidal ideation had the most extensive criminal histories, had more severe and extensive psychopathology, and were more likely to be chronic offenders (DeLisi, 2017). Community corrections clients remain free and thus have ample opportunity to recidivate. Prisoners bring antisocial behaviors home after their release, thus increasing crime rates in their communities (Clear, Rose, & Ryder, 2001; Clear, Rose, Waring, & Scully, 2003). For instance, Ingrid Binswanger and her colleagues (2007) found that in the first 2 weeks after release from prison, ex-cons have a death rate (mostly from drug overdoses or homicide) that is 1,270 percent higher than other residents. This suggests that correctional clients and the difficulty of the

CORRECTIONS FOCUS

The Federal Criminal Justice System

Whereas the term *criminal justice system* is understood to represent the total set of agencies and organizations relating to police, courts, and corrections, the system is of course fragmented by jurisdiction. Towns, cities, counties, and states have their own police, courts, and corrections. The same holds for the United States. The federal criminal justice system contains many agencies that arrest, prosecute, and detain criminal defendants. For example, the following is a list of just some of the federal criminal justice agencies:

- Federal Bureau of Investigation (FBI)
- U.S. Marshals
- U.S. Immigration and Customs Enforcement (ICE)
- Federal Bureau of Prisons (BOP)
- Drug Enforcement Administration (DEA)
- U.S. Customs and Border Protection
- U.S. Postal Inspectors
- U.S. Attorneys
- U.S. Probation and Pretrial Services
- U.S. Parole Commission

Like the state criminal justice systems, the federal criminal justice system processes hundreds of thousands of cases per year. And, like the states, the federal system diverts most cases from the system as it works from law enforcement through the courts and terminates in corrections.

According to the most recent data from the 2015 Bureau of Justice Statistics Federal Justice Statistics Program, more than 165,265 suspects were investigated and arrested by federal law enforcement. Half of all federal arrests were for immigration offenses. Unlike local and state criminal justice systems where suspects are routinely investigated but less likely to be arrested, the federal system is more judicious. Defendants who are investigated are also more likely to be arrested by federal authorities. In 2015, U.S. attorneys prosecuted 160,505 defendants, and 94 percent of these prosecutions successfully terminated in U.S. district court, with convictions mostly the result of a guilty plea. Just 6 percent of federal cases were dismissed.

In state prison systems, the general rule of thumb is that about 70 percent of former prisoners will be arrested within 5 years of release. In the federal system, however, 43 percent of offenders were arrested within 5 years of being placed on community supervision. About 90 percent of those arrests were for public order offenses, such as violations of the terms of probation. The federal prison system, known as the Bureau of Prisons, or BOP, contains a somewhat different mix of felons than state prisons. Federal prisoners are disproportionately convicted of immigration, drug, weapons, regulatory and white-collar crimes, and various sexual crimes,

(*continues*)

The Federal Criminal Justice System (*continued*)

including child pornography offenses. Of the latter type of offenses, federal authorities launched Operation Pacifier in an effort to go after members of Playpen, a website dedicated to producing, uploading, and consuming content that involved the sexual abuse of children. Operation Pacifier resulted in 548 international arrests, 350 U.S. arrests, 296 sexually abused children who were identified and rescued internationally, 55 U.S. children who were identified and rescued, 51 U.S.–based hands-on abusers prosecuted, and 25 U.S. producers of child pornography prosecuted. The creator of Playpen was sentenced to 30 years in federal prison.

The federal criminal justice system is subject to policy and legal changes that occur at the federal level. For instance, in 2011, the U.S. Sentencing Commission implemented lower penalties for cocaine base (also known as crack cocaine) cases to be consistent with the Fair Sentencing Act that was passed by Congress in 2010. In 2014, the U.S. Sentencing Commission reduced all drug sentences by 25 percent and made the changes retroactive. Because drug offenses account for one-third of all federal district court filings, these changes can have large effects on the federal correctional system. To illustrate, in April 2017, the BOP had 188,800 inmates, a 14 percent decline from the peak of 219,300 inmates in 2013. All of these changes occurred during the Obama administration, which had a more due process orientation. In the current Trump administration, which has more of a crime-control orientation, these data could fluctuate in the other direction. Some policies serve to reduce the federal prison population regardless of the presidential administration. For example, under the 1984 Sentencing Reform Act, all federal prisoners except those serving life, death, or misdemeanants serving a year or less receive a flat allocation of 54 days per year of sentence served. Thus, a federal prisoner who served 6.8 years in prison would receive a full-year sentence reduction based on this policy.

SOURCES: Federal Bureau of Investigation. (2017). Playpen creator sentenced to 30 years. Retrieved April 25, 2017, from https://www.fbi.gov/news/stories/playpen-creator-sentenced-to-30-years; J. A. Markman, M. R. Durose, A. D. Tiedt, & R. R. Rantala. (2016). *Recidivism of offenders placed on federal community supervision in 2005; Patterns from 2005 to 2010*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics; M. Motivans. (2017). *Federal justice statistics, 2013–2014.* Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

correctional system in adequately supervising them can jeopardize public safety.

2. Institutional corrections disrupt family structures and can place exceptional burdens on the spouses, children, and other relatives of prisoners. These burdens often reduce the life chances of those affected, especially children of inmates. For instance, Christopher Mumola (2000) reported that African American children are nine times more likely and Hispanic children three times more likely than white children to have a parent in prison. These disparities partially reflect race differences in social development and delinquency among adolescents. Mark Berg and Matt DeLisi (2006) have suggested a connection between community-level violence and prison violence among racial and ethnic minorities that contributes to social problems within minority neighborhoods. It is also important to recognize that notwithstanding the disruptions that occur among families of prisoners, there are also positive features of this process. Prisons remove from families an individual who is often abusive, violent, addicted to drugs, and who causes considerable havoc for his or her relatives.
3. The costs imposed by offenders are not just societal, but also fiscal. Tremendous resources are required to police, prosecute, and supervise criminal defendants in the United States, and because many offenders are recidivists, the costs accumulate over time. Several monetization studies have found that the per capita costs posed by just one serious offender can range from $1 million to $20 million, particularly if the offender is convicted and confined for

murder (Cohen, Piquero, & Jennings, 2010; DeLisi et al., 2010).

4. The correctional system poses serious public health risks. Approximately 40 percent of prisoners in the United States are infected with hepatitis C, a serious disease that causes liver failure and liver cancer. Many inmates are unaware they have the disease. Hepatitis C is transmitted much like the HIV virus that causes AIDS, mainly via intravenous drug use and unprotected sexual contact. The prevalence of hepatitis C among prisoners is 20 times higher than in the general population, thus the reentry of correctional clients to the community poses health risks. Unfortunately, the correctional system is only beginning to recognize the seriousness of the hepatitis C epidemic, and health care is lagging (Associated Press, 2011). The prevalence of a range of psychiatric disorders is also significantly higher among prisoners than the general population. For instance, the prevalence ratios among male prisoners and the male general population are four to one for psychosis, three to one for any personality disorder, and nine to one for antisocial personality disorder (Fazel & Baillargeon, 2011).

Federal correctional clients follow an admittedly confusing route through the correctional system. Depending on their sentence, defendants can serve community corrections, institutional corrections, or both. If an offender violates the conditions of his or her sentence, supervised release can be violated and result in reincarceration.

The **Federal Bureau of Prisons (BOP)** is the prison component of the federal system. For more than a century, the federal government did not maintain federal prison facilities, but simply housed federal violators in state prisons or county jails. In 1891, Congress enacted legislation to construct three penitentiaries: one in Leavenworth, Kansas; one in Atlanta, Georgia; and one at McNeil Island in Washington State. Fort Leavenworth, the first federal prison, opened on February 1, 1906. On May 14, 1930, President Herbert Hoover signed legislation establishing the Federal Bureau of Prisons to manage and regulate all federal prisons. Probably the most famous facility within the BOP is Alcatraz, a 12-acre rock island in San Francisco harbor that housed high-risk prisoners from other facilities between 1934 and 1963. By October 2008, more than 202,000 inmates were in the BOP. As of April 2017, there were 188,800, as discussed in the Corrections Focus box feature (Falcone, 2010).

The BOP operates institutions at five different security levels based on the presence of external patrols, towers, security barriers, or detection devices; the type of housing within the institution; internal security features; and the staff-to-inmate ratio. Each facility is designated as minimum, low, medium, high, or administrative (Federal Bureau of Prisons, 2017):

- Minimum security institutions, also known as *Federal Prison Camps* (FPCs), have dormitory housing, a relatively low staff-to-inmate ratio, and limited or no perimeter fencing. These institutions are work and program oriented. Many are located adjacent to larger institutions or on military bases where inmates help to serve the labor needs of the larger institution or base.
- Low security *Federal Correctional Institutions* (FCIs) have double-fenced perimeters, mostly dormitory or cubicle housing, and strong work and program components. The staff-to-inmate ratio in these institutions is higher than in minimum security facilities.
- Medium security FCIs have strengthened perimeters, mostly cell-type housing, a wide variety of work and treatment programs, an even higher staff-to-inmate ratio than low security FCIs, and even greater internal controls.
- High security institutions, also known as *United States Penitentiaries (USPs)*, have highly secured perimeters featuring walls or reinforced fences,

Throughout its history, the Federal Bureau of Prisons has housed some of the most notorious prisoners in American history.

multiple- and single-occupant cell housing, the highest staff-to-inmate ratio, and close control of inmate movement.

- Administrative facilities are institutions with special missions, such as the detention of pretrial offenders; the treatment of inmates with serious or chronic medical problems; or the containment of extremely dangerous, violent, or escape-prone inmates. Administrative facilities include *Metropolitan Correctional Centers (MCCs), Metropolitan Detention Centers (MDCs), Federal Detention Centers (FDCs), Federal Medical Centers (FMCs), Federal Transfer Centers (FTCs), the Medical Center for Federal Prisoners (MCFP),* and the *Administrative Maximum (ADX)* facility. ADX facilities are capable of holding inmates in all security categories. A number of BOP institutions also have a small, minimum-security camp adjacent to the main facility, known as satellite camps.

The objectives of federal supervision are to (1) enforce compliance with the conditions of release, (2) minimize risk to the public, and (3) reintegrate the offender into a law-abiding lifestyle. More than 130,409 active offenders are under federal supervision in the United States; 91 percent of them are felons. More than 109,287 are on **supervised release**, which is a term of supervision that the court imposes to follow a period of imprisonment. Nearly 20,000 offenders are on probation (Motivans, 2017).

Approximately 1,368 people are on parole. Federal parole has an interesting and convoluted history. Federal parole was enacted in 1910 along with three parole boards consisting of the warden of the federal institution (three federal penitentiaries existed in 1910), the physician in the institution, and the Superintendent of Prisons of the Department of Justice. A single federal board of parole was created in 1930. In 1976, the U.S. Parole Commission was established after the passage of the Parole Commission and Reorganization Act. The Comprehensive Crime Control Act of 1984 created the U.S. Sentencing Commission to establish sentencing guidelines for the federal courts and a regime of determinate sentences. These sentencing guidelines went into effect on November 1, 1987; thus, defendants sentenced on or after that date serve determinate terms and are not eligible for parole consideration. For all intents and purposes, federal parole was abolished in 1987, and federal correctional clients who were not in a BOP facility were dubbed "supervised releases."

> *The nation has invested billions of dollars into locking up offenders. The policies around reentry have become increasingly an avoidance of risk. As a result, we have created a revolving door of offenders who will be committed to prison time and again as they fail in the community.*
>
> (Seiter & Kadela, 2003, p. 381)

Due to federal offenders who were sentenced prior to November 1, 1987, the U.S. Parole Commission has been unable to be legally phased out. Federal parole has been extended via the Judicial Improvements Act of 1990, the Parole Commission Phase-out Act of 1996, and the 21st Century Department of Justice Appropriations Authorization Act of 2002. Once the final federal offender sentenced before November 1, 1987, terminates his or her case, federal parole will end. Ultimately, the U.S. Probation and Pretrial Services system monitors all federal supervised release clients (DeLisi, 2011).

In sum, the correctional system is a considerable presence in American society. It accounts for billions of dollars of expenditures at the local, state, and federal levels; employs millions of practitioners; and affects the lives of millions of correctional clients and their families. Although the correctional situation today is unique to contemporary America, many of the underlying philosophical issues in corrections have been in place since time immemorial.

WRAP UP

Chapter Summary

- The correctional system spans the pre- and post-trial phases and supervises defendants throughout the criminal justice process.
- Like all components of the criminal justice system, offenders are diverted from the correctional system to facilitate rehabilitation, ensure public safety, and balance costs.
- An individual's criminality and risk are the fundamental determinants of placement along the continuum of sanctions.
- Correctional supervision occurs in the community, with fines, community service, deferred sentences, home detention, probation, and within institutions, including jail and prison.
- More than 6.7 million defendants are under correctional supervision, more than 2 million are incarcerated, and tens of billions of dollars are spent annually to operate the correctional system.
- The correctional system has pervasive impact on neighborhoods in high-crime areas and produces important sociological and societal implications for American society.
- Correctional clients create assorted social problems, including crime and recidivism, family disruption, and public health risks.
- The federal correctional system maintains its own system, just as cities, counties, and states operate independent correctional systems.

Key Terms

aggravating factors Circumstances that seem to increase the culpability of the offenders.

bond A pledge of money or some other assets offered as bail by an accused person or his or her surety (bail bondsman) to secure temporary release from custody.

boot camps/shock incarceration Short-term incarceration programs that incorporate the strict discipline, hard labor, and physical training of military basic training followed by an aftercare program that contains conditions and treatment.

community corrections Sanctions that allow criminal offenders to remain in the community as long as they abide by certain conditions, such as maintaining employment, participating in drug treatment, or undergoing psychological treatment.

community service A form of restitution that involves civic participation toward the improvement of the community.

continuum of sanctions A range of sanctions or legal penalties that balance punishment, treatment, and supervision concerns with the seriousness of the offense and the offender's criminal convictions.

corrections The collection of local, state, and federal agencies that supervise and treat criminal defendants.

courts A major component of the criminal justice system composed of prosecutors, defense counsel, and judges that perform a variety of functions, foremost of which is to serve as a check and balance on the police.

criminality The propensity toward antisocial behavior that a defendant embodies.

day reporting Sanction that requires defendants to report to an official criminal justice facility, such as a jail, on a daily basis to check in and demonstrate to correctional staff that they are complying with the conditions of their current legal status.

defendant The person accused of a criminal violation.

deferred prosecution, judgment, or sentence A sentence whereby the defendant pleads guilty in exchange for a suspended sentence that will be voided and expunged if the defendant complies with certain conditions.

discretion The latitude to choose one course of action or another.

discretionary parole Release that occurs when parole boards have the discretionary authority to conditionally release prisoners based on a statutory or administrative determination of eligibility.

Eighth Amendment Amendment that is part of the Bill of Rights of the U.S. Constitution that states that "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

electronic monitoring The use of surveillance technology to monitor offenders in the community. *Also see* home detention and house arrest.

expungement The complete removal of a criminal record from existence.

extralegal variables Factors that influence criminal justice discretion but are not legally relevant, such as demographic characteristics.

Federal Bureau of Prisons (BOP) The prison component of the federal system.

fines Monetary payments imposed on criminal offenders as a way to repay society for the offenders' violations of the law.

forfeiture The loss of ownership of some property or asset for its illegal use.

halfway house/residential treatment Describes the confinement status of a criminal defendant who is partially confined and partially integrated into the community.

home detention Community corrections that permit offenders to serve sentences in their homes while maintaining employment and community ties.

house arrest A sanction where the offender must not leave his or her home with the exception of court-approved times for work and treatment. *Also see* home detention and electronic monitoring.

inmate (or prisoner) A defendant who has been sentenced to jail or prison.

institutional corrections Confinement or the physical removal from society as a means of supervision.

jail A local correctional facility usually operated by a county sheriff's department and used for the short-term confinement of petty offenders, misdemeanants, persons convicted of low-level felonies, and persons awaiting transport to some other criminal justice or social service agency.

legal variables Legally relevant factors, such as offense severity, prior criminal record, and number of charges.

mandatory parole Type of parole that occurs in jurisdictions using determinate sentencing statutes where inmates are conditionally released from prison after serving a portion of their original sentences minus any good time earned.

mitigating factors Circumstances that seem to reduce the culpability of the offender.

net widening The growing of the correctional population by supervising an increasing number of offenders in the community.

parole Form of correction in which the convicted person completes a prison sentence in the community rather than in confinement.

police Also known as law enforcement, the part of the criminal justice system that responds to citizen complaints, provides basic services such as traffic control, enforces the criminal law, and in doing so, initiates criminal cases.

posttrial or postadjudication The stage of the criminal justice system after defendants have pleaded guilty or been found guilty.

presentence investigation (PSI) report A report prepared for the court that summarizes the defendant's social and criminal history for the purpose of sentencing.

pretrial supervision The correctional supervision of a defendant who has been arrested, booked, and bonded out of jail.

prison A correctional facility used to confine persons convicted of serious crimes and serving sentences of usually more than 1 year.

prisoner *See* inmate.

probation A sanction for criminal offenders who have been sentenced to a period of correctional supervision in the community in lieu of incarceration.

probation officer The practitioner who oversees and monitors a probationer's case to determine that the defendant is complying with all conditions of probation.

residential treatment *See* halfway houses/residential treatment.

restitution Money paid to the crime victim to recoup some of the harm caused by the offender's wrongful acts.

shock incarceration *See* boot camps/shock incarceration.

supervised release In the federal system, a term of supervision that the court imposes to follow a period of imprisonment.

Critical Thinking Questions

1. What is the reputation of the American correctional system? Is it too big? Too costly? In what ways do the American media portray the correctional system?
2. Less than 1 percent of the U.S. population is in prison, yet academic criminologists characterize the prison system as very large. Why? Would a larger prison population incapacitate even more offenders?
3. What should be the overriding goal of the criminal justice system? Does public safety currently take precedence over individual rights? Does the balance between protecting the public and protecting the defendant vary by state?
4. Should offenders convicted of certain crimes only be punished by confinement? Should community corrections opportunities be afforded to all offenders, or do some correctional clients pose too great a risk?
5. What typifies dangerousness in a correctional client? Which behavioral and attitudinal factors come to mind?
6. Is it okay that people receive differential treatment in the justice system? Is it naïve to think otherwise?

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The Philosophy and History of Corrections

CHAPTER 2

OBJECTIVES

- Understand natural law and the philosophical reasons why societies develop criminal justice and correctional systems.
- Compare deterrence, retribution, incapacitation, rehabilitation, and restoration as punishment philosophies and sentencing rationales.
- Trace the history of corrections to ancient societies and throughout various religious traditions.
- Follow the development of corrections in colonial America.
- Understand the penitentiary and reformatory movements and their relationship to social conditions and crime rates.
- Recognize key figures in correctional history, such as John Howard, Alexander Maconochie, Walter Crofton, Zebulon Brockway, John Augustus, and others.
- Identify the eras of correctional and prison history in the 20th and 21st centuries.
- Understand the current state of correctional philosophy and practice.

FEATURES

The respect for the law is the obverse side of our hatred for the criminal transgressor.

(Mead, 1918, pp. 585–586)

Penitentiaries were little more than holding bins for the dregs of society.

(Meskell, 1999, p. 862)

The Philosophy of Corrections

Throughout history, people and cultures have varied greatly in their beliefs about what is an appropriate response to violations of law. Of course, responding to violations of the law depends on what law is violated (presumably murder and shoplifting will elicit different responses) and the circumstances surrounding the offense, such as the age of the offender, whether the person acted purposely or negligently, and whether the person acted aggressively or in self-defense; however, different value systems result in different responses to crime. Some people and cultures are bleeding hearts and lenient; others are cold-hearted and harsh. Some are seemingly unable and unwilling to punish; others punish with zeal. Throughout this chapter, you will recognize that the history of corrections reflects ongoing changes in beliefs and practices about the best way to punish criminal offenders.

If corrections, or punishment, has vacillated between these poles of harshness and leniency, a more basic question is what do societies do to punish criminal offenders in the first place? Why do we punish? When do societies develop correctional systems to respond to law violators? A good place to start is natural law. **Natural law** is the belief that the human world is organized by a positive or good natural order that should be obeyed by all humans. First described by the Greek writer Sophocles, natural law is most famously attributed to Aristotle and its revival in the 13th century by philosopher St. Thomas Aquinas. Unlike the codified laws that we follow today, natural law is unwritten. Instead, it is tacitly understood and appreciated by human reason. As Aristotle indicated in *Politics*, "Just punishments and chastisements do indeed spring from a good principle, but they are good only because we cannot do without them—it would be better that neither individuals nor states should need anything of the sort" (1998, p. 13).

Of all the justifications of criminal punishment, the desire to incapacitate is the least complicated, the least studied, and often the most important.

(Zimring & Hawkins, 1995, p. v)

Natural law is authoritative or binding over human conduct, and the good of the order (referred to generally as "the good") takes primacy over individual rights and concerns. In short, natural law is obvious and unequivocal that certain behaviors are wrong and intolerable and therefore must be punished. Evidence for natural law can be found in the universal human revulsion against specific negative behaviors or crimes. You would be hard pressed to find a society or group of people that did not morally condemn behaviors such as murder, incest, or even theft. These behaviors appear to be intrinsically wrong, or *mala in se*. Because of their severity, ***mala in se*** offenses have historically been punished in the most severe way—by a sentence of death. As human organizations became more complex and societies became more modern, the mode of punishment evolved (DeLisi, 2011). The range of behaviors that were defined as crimes broadened and included many acts that were deemed illegal. ***Mala prohibita*** offenses are crimes made illegal by legislation, not by natural law, and are punished in a variety of ways, such as fines or detention.

Along with evolving modes of punishment, different punishment philosophies have also ebbed and flowed throughout history and to the present. For instance, consider the following quotation:

We conclude that the present prison system is antiquated and inefficient. It does not reform the criminal. It fails to protect society. There is reason to believe that it contributes to the increase of crime by hardening the prisoner. We are convinced that a new type of penal institution must be developed, one that is new in spirit, in method, and in objective.

(Bates, 1932, p. 562)

While this seems like an editorial from a newspaper in the 21st century, it comes from an article by Sanford Bates, the first director of the Federal Bureau of Prisons. Bates was echoing the conclusions of the Wickersham Commission, which convened in 1931 to assess the state of criminal justice in the United States. Then, as now, there was dissatisfaction with correctional policies and the inability of the correctional system to reduce crime and reform offenders. Because of this, different punishment philosophies have appeared in correctional history. The main punishment philosophies are deterrence, retribution, incapacitation, rehabilitation, and the newest one, restoration.

- **Deterrence** is the act of frightening the potential actor with threats of punishment. It is the discouragement of crime because of fear of its consequences. The two general types of deterrence are specific and general. **Specific deterrence** pertains to the individual offender being sentenced and punished. **General deterrence** pertains to the large number of potential criminals who might be discouraged from committing crime because of the punishments received by others. In short, deterrence is the use of punishment to send a message and speaks to the rationality of crime. If the correctional system is tough enough, people will decide that crime is too risky to commit for fear of the punishment. The spirit and logic of general deterrence is captured by the Chinese proverb: it is better to hang the wrong fellow than no fellow.
- **Retribution** is the payment of a debt to society and the expiation of one's criminal offense. **Expiation** is based upon the belief that crime arouses the anger of the gods against the entire community, and the only way to reduce the anger is to destroy the offender. Retribution is inherent in the biblical message of "an eye for an eye, a tooth for a tooth" and is utilized when offenders are punished harshly, such as with death or life imprisonment sentences. Those punished for retributive reasons are commonly described as getting their just deserts, meaning they get what they deserved because of their criminal violation. To the general public, the sense of vengeance or revenge directed at a criminal offender is consistent with the theory of retribution. However, retribution does seek to match severe punishment to the severity of the original offense. Revenge is simply bloodlust to punish a hated criminal. Walter Berns's statement that "anger is the passion that recognizes and cares about justice" conveys the sentiment of retribution (1979, p. 152).
- **Incapacitation** is the inability to act. In corrections, incapacitation refers to the use of imprisonment to preclude the ability of an offender to victimize members of society. Without question, American prisons are in the business of incapacitation, simply removing offenders from circulation so they cannot victimize members of mainstream society, a general process known as **collective incapacitation**. It is well known that less than 10 percent of criminals commit more than 50 percent of crimes and even higher percentages of violent crimes. The policy designed to specifically target this group of habitual offenders for imprisonment is known as **selective incapacitation** (Zimring & Hawkins, 1995).
- **Rehabilitation** means to restore an offender to a law-abiding lifestyle. In corrections, the purpose of sentencing is to help the offender live a crime-free life in the community via mandated participation in programs, such as drug and alcohol treatment, psychiatric counseling, anger management training, life skills training, and other treatment modalities. Toward that end, correctional officials, such as a probation officer or parole officer, supervise clients to improve the offender's chances of being a productive and law-abiding citizen.
- **Restoration** is a theory of justice that emphasizes repairing the harm caused by crime. Restorative justice is accomplished through cooperative processes that include offenders, victims, and community residents. Restoration transforms the traditional relationship between communities and government in responding to crime by including all parties in an interactive, mediation-style process as opposed to the punitive, bureaucratic approaches of the courts. Examples of restorative justice are victim–offender mediation, offender reintegration, restitution, community service, and offender–victim–family conferencing (Restorative Justice, 2011). Restorative justice is ideologically similar to rehabilitation and dissimilar to retribution and incapacitation.

> *Squandering our scarce correctional treatment program resources on low-risk offenders that do not need them is a waste of those resources.*
>
> (Latessa & Lowenkamp, 2006, p. 522)

The next section provides a brief historical overview that showcases early approaches to corrections as a means to respond to criminals and crime.

Historical Approaches to Corrections

Throughout history, corrections and criminal justice generally were largely one and the same. To be suspected or accused of a crime was to be considered guilty of a crime, and summary punishment was often the outcome. Punishment has historically been

swift and brutal, and victims of crime were encouraged and even expected to exact personal retaliation against criminals. Even families or kin groups engaged in this type of retributive justice in *blood feuds* with other families.

Fortunately, corrections and criminal justice have evolved in the following three important ways:

1. The ways that justice and punishment are administered have evolved from informal to formal or bureaucratic means. In earlier epochs, the criminal justice system did not exist. Instead, family and community members responded to, sanctioned, and judged crimes and other behaviors that were deemed inappropriate. This is called **informal social control**. Informal social control still exists today. The ways that parents, friends, and coworkers correct one's behavior are informal means of social control. Being grounded for 2 weeks by one's parents, lectured to by one's boss, or given a stern gaze by one's friends are just some methods that we use to police, judge, and punish others in everyday life.
2. Criminal justice and punishment have also evolved from a personal to an impersonal process, which is related to the first way corrections has evolved. Although informal social control can be effective, it is also susceptible to biases and abuses because of the emotional connections between offender and victim. If the judge and the judged are members of the same family, then it is likely that evaluations of criminal conduct will be subjective. Subjectivity can compromise the lawful, equitable, and proportional goals of justice. It is thought that objectivity better serves the pursuit of justice since it is based on fact, evidence, and procedure instead of raw emotion. This is an exceedingly important point. A dispassionate, formal, professional system of criminal justice has evolved from the visceral, informal, and personal methods of the past. This raises important questions about the ability of the modern, formal criminal justice system to harness and address the emotions elicited by criminal wrongdoing. Can formal criminal justice be as personally satisfying as former informal methods?
3. A dramatic shift from brutal, barbaric forms of punishment to what are thought to be civilized measures of reasoned punishment has occurred. A hallmark of the progression of civilization has been the diminution of violence as punishment. For example, although the United States still employs capital punishment, the ultimate sanction is rarely imposed and is administered in what is supposed to be a humane, medical procedure. By comparison, historical approaches to criminal justice were draconian and used the penalty of death for scores of crimes, even minor ones. In short, a hallmark of civilization has been the transformation of justice from something that was retributive and repressive to something that is more rehabilitative and restitutive. By and large, the personal vengeance inherent in justice was replaced by an impersonal bureaucracy.

Code of Hammurabi

Arguably the earliest important date in correctional history was the establishment of the **Code of Hammurabi** by the Babylonian King Hammurabi in 1780 BCE. The Code of Hammurabi was fairly sophisticated and contained 282 clauses or case laws pertaining to a variety of social and legal issues. The Code of Hammurabi was guided by the doctrine of *lex talionis*, meaning an eye for an eye, a tooth for a tooth. The ***lex talionis*** embodied three principles that are applicable to the present day. First, law and criminal punishment should be punitive and in part driven by vengeance. Second, crime and its punishment should be proportionate (i.e., a person convicted of murder should be executed because the punishment equals the severity of the underlying criminal conduct). Unfortunately, because many nonlethal behaviors were punishable by death, the Code of Hammurabi often was excessive and not proportionate. Third, punishment is inflicted in the name of the community or city-state, not the specific victim. The idea that all societal members suffer from crime, thus making it a social problem, is certainly salient to us today and is a basis of the restorative justice movement.

Judeo-Christian Traditions

Between the 16th and 13th centuries BCE, the Judeo-Christian traditions weighed in on criminal justice. According to religious tradition, Moses received the Ten Commandments from God. Containing most famously the proscription against murder, the Ten Commandments have heavily influenced cultures and legal systems within the Judeo-Christian tradition, such as the United States. A noteworthy contribution during this era was the book of Deuteronomy attributed to Moses. Deuteronomy is