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Objectives

- Summarize the definition, mission, and role of corrections from 1910 to 2017.
- Summarize sentencing goals and primary punishment philosophies.
- Explain how public opinion about crime affects crime control policy.

- Summarize issues related to correctional policy.
- Describe and illustrate contemporary corrections in the nation.

chapter **3**

Correctional Ideologies:
The Pendulum Swings

Outline

Overview

So far we have looked at the history and early development of corrections, outlining the major construction of prisons and facilities that reflected the thoughts of those years. An underlying policy question explored in the first two chapters of the textbook concerned the role of criminal law and offenders: Who are offenders, and what shall we do with them? The answers identified thus far include the following: They are (1) evil and must be punished, (2) out of touch with God and need to repent, (3) poorly educated and ill-trained to function in modern society, and (4) sick and in need of being cured—the punishment, reform, education, and medical models for corrections, respectively. In this chapter, we explore the philosophical underpinnings on which these models were built and explain the rationales that underlie current correctional developments. We need to understand why the nation has entered into an age of massive change in attitudes and prison construction, what goals are being sought, and what the implications of the new programs and facilities might be. We begin with an understanding of what we refer to as ideologies.

> "The massive prison construction represents a commitment by our nation to plan for social failure by spending billions of dollars to lock up hundreds of thousands of people while at the same time cutting billions of dollars from programs that would provide opportunity to young Americans."
>
> —Steven Donziger, *The Real War on Crime*

IMPACTS OF IDEOLOGY

As will be seen below, an ideology is a systematic body of concepts, especially about humane life or culture. Ideologies are learned from experience, education, training, occupation, and peers in both an experiential and training process. Not all ideologies are internally consistent, and it is possible to have beliefs within the ideology that conflict with one another, perhaps best seen in the area of the death penalty where one's religious beliefs about the sanctity of life conflict with the urge to execute those who have killed others.

Ideologies guide humans on most social issues and nowhere is that more evident than in corrections. They structure one's perceptions of the dangerousness of another person, the urge to use force when not necessary and the excessive use of force when necessary, and one's role in the field of corrections. Parole officers who have a strong social work background tend to treat offenders as former prisoners who have made a mistake and need guidance and control to marshal their own resources to become law abiding citizens. Other equally dedicated parole officers see clients as being in need of control, structure, guidance, and direction, and are sometimes quick to detect violations of technical parole rules so the offender can be returned to confinement before committing another serious crime.

One racial ideology evident in one author's hometown is seen in the director of the Board of Education for that county. He thought that one racial group was less able to learn, live as constructive members of the community, and be less amenable to formal education. When the time came to allocate county funds, he made sure the devalued group received minimum education funding, forcing teachers to use outdated texts, have less funds for extracurricular educational opportunities, and accept lower pay than teachers in the favored group. He was widely supported in this prejudicial behavior by most members of the other major racial group. Ideologies matter and people act on that set of beliefs, even in the face of no corroborating evidence to support their beliefs.

CONFLICTING CORRECTIONAL IDEOLOGIES

To understand the current state of corrections, its problems and issues, and a possible future, we turn first to a discussion of ideologies. An **ideology**, according to *Webster's*, is "a systematic body of concepts, especially about human life or culture." A **correctional ideology**, then, refers to a body of ideas and practices that pertain to the processing of offenders as determined by the law. Obviously, the actions of various correctional authorities and/or organizational units are shaped in large part by the particular ideologies to which they subscribe or that are the will of the citizens they serve and protect. In the history of treatment and punishment of offenders, the ideologies of different societies have supplied both the basis and the rationalization for the broad range of efforts—draconian to semihumane—aimed at getting criminals off the streets. When a given effort becomes a clear failure, the ideology eventually will shift to justify a different approach.

In modern times, a strong belief in the efficacy of one correctional ideology or another has sometimes led policymakers to commit vast sums of public treasure to an unproved approach or theory, thus shackling themselves to a possibly worthless plan for an indefinite period. By the same token, if the correctional administrator's ideology happens to conflict with the approach favored by the society he or she serves, the administrator may try to resolve the conflict in one of two ways: by working out a compromise to make it work better or by trying to sabotage the system to ensure its failure. If the superintendent of a juvenile institution believes society is trying to liberalize rules so rapidly that it threatens personal security, he or she may encourage the use of segregation or restraints by the correctional officers. In corrections, the backgrounds and ideologies of the keepers

and the kept often diverge sharply, so it becomes difficult to convince both groups they can work toward a mutual goal.

Most of the ideologies applied to correctional actions over the years fall into one of three categories: **punishment**, **rehabilitation**, or **prevention**. They often overlap, of course—punishment and rehabilitation are usually justified as means to prevention rather than as ends in themselves—but the division is useful for the purpose of this analysis.

THE PUNISHMENT IDEOLOGY

The idea that punishment can result in the offense being "paid" for and that its effect can be expanded from the specific criminal to the general public has been around from the earliest times. Most of the basic reasons for punishment can be placed in three general categories: retribution, deterrence, and incapacitation.

Retribution

Since the first system of laws was developed, punishment has been officially sanctioned as a means of regulating criminal behavior. The punishment ideology holds that the criminal is an enemy of society who deserves severe punishment, including banishment or death, for willfully breaking its rules.[1] This philosophy has its roots in a societal need for retribution. As noted in Chapter 1, punishment once was administered in the form of immediate and personal retribution by either the victim or the victim's family. Society's authorization of punishment can be traced to that individual need for retaliation and vengeance. Many theories try to explain the reason for the transfer of the vengeance motive from the individual to the state.

Philosophically, **retribution** generally means getting even with the perpetrator. The term *social revenge* suggests that individuals cannot exact punishment but that the state will do so in their name. Retribution assumes that the offenders willfully chose to commit the evil acts, are responsible for their own behavior, are likely to commit similar acts again, and should receive the punishment they richly deserve. The "just deserts" movement in sentencing reflects the retribution philosophy. For many, it provides a justifiable rationale for support of the death penalty.

Many students of corrections (and penologists) have considerable difficulty with the concept of retribution because it requires the state to make an offender suffer for the sake of suffering. To many, that idea runs counter to the Eighth Amendment's prohibition against cruel and unusual punishment. One respected criminologist has proposed that correctional punishments include electroshock in lieu of incarceration because it can be calibrated, leaves less long-term emotional damage, is cheaper to administer, and would allow the victim the opportunity to witness the retribution. Is it possible that televising the electroshock sessions might act as a deterrent to other potential malefactors?[2]

Philosophers have debated the reasons for this transfer to government of the victim's desire to strike back at the offender. Heinrich Oppenheimer lists several theories in *The Rationale of Punishment* (1913). Three of them are as follows:

1. In the *theological* view, retaliation fulfills a religious mission to punish the criminal.
2. In the *aesthetic* view, punishment resolves the social discord created by the offense and reestablishes a sense of harmony through requital.
3. In the *expiatory* view, guilt must be washed away through suffering. Ledger Wood advances a fourth explanation, a *utilitarian theory*. Punishment is considered to be a means of achieving beneficial and social consequences through application of a specific form and degree of punishment deemed most appropriate to the particular offender after careful individualized study of the offender.[3]

key term

Punishment ideology
Painful sanction applied to the offender, who is seen as an enemy of society.

key term

Rehabilitation ideology
Crime prevention through treatment of offenders and inmates to rehabilitate such offenders.

key term

Prevention ideology
Avoidance or reduction of criminal behavior using methods and programs that contribute to crime prevention.

key term

Retribution
Getting even with the offender who has violated the rights of others and deserves to be punished.

correctional **practice 3.1**

Contrasting Ideologies

A major way of understanding ideologies and their effects on handling offenders, prison architecture, roles of correctional officers and inmates, and inmate control is to briefly investigate an alternative prison system: the Swedish prison system.

Sweden operates under a just deserts model. Offenders are evaluated by the perceived gravity of the offense, and that gravity is the major factor in the decision of the ideal sanction to impose for the instant crime. In the United States, serious offenses by bad or evil criminals usually (but not always) lead to the use of time as the punishment unit (sentences of 5 to 10 years or a flat 20-year sentence, incarceration for life and a day, or even the rare death penalty for heinous crimes). This approach heavily contributes to the overcrowding of prisons and the largest number of incarcerated offenders in the world. A brief summary of this approach is "Lock them up and throw away the keys," a punitive ideology.

Such is not the case in Sweden. There they do not have a heavy reliance on incarceration as a sanction for crime. In the past two decades, the Swedish Penal Code has been revamped to reduce prison sentences and to impose sentencing alternatives that do not rely on depriving the offender of liberty. The preferred methods of punishment fall into the categories of use of fines, probation, community service, *civil* commitment (court-defined probation with mandatory treatment), suspended sentences, and other programs we collectively call community corrections. The Swedes do have high-security institutions, especially for murder and high treason, but most prisoners are found in the numerous open facilities close to their homes and families. Swedes argue that the primary purpose of a prison sentence is to promote the offender's adjustment to the community as well as to counteract the negative impacts of incarceration. The Prison Treatment Act of 1974 (PTA) demands that the inmate be treated for his or her human dignity. If services and programs, subsidies and employment, and individual freedoms are available to free citizens, they must be made available to offenders on the same par.

The PTA has four basic principles: (1) use of incarceration as a *last resort* since imprisonment knowingly has observable negative impacts; (2) *normalization*, meaning that any rules governing medical and social care and all forms of public services shall apply to all inmates just as they apply to free citizens; (3) the *rule of vicinity*, or placing the inmate in a facility as close as possible to his or her hometown; and (4) cooperation, basically meaning that all parts of the correctional system shall work together in both individual cases and the entire group of offenders. Finally, a humane attitude, good care, and positive influence of offenders characterize the system's operations. The necessary degree of security must be maintained as well as respect for the inmate's integrity and rules of due process.

Prisoner rights reflect correctional ideology differences between the Swedish and American examples. In general, the prison policy of Sweden emphasizes a very progressive approach, particularly regarding visits and furloughs. Regular contact with the outside world is viewed as an important element of prisoner rights. Visits may take place unattended by prison authorities, although the visitor will be searched on entry to and the inmate on exit from the visiting areas. If there is any question about a security threat, both the police and correctional officers may perform background checks. Security is a required element of all prisons.

There are facilities for conjugal visiting if inmates have a partner, and children may be a part of the visit. Nongovernmental organization representatives are allowed to visit; inmates' lawyers may visit, but no officer may listen to their discussions. Inmates have the right to send and receive letters and other mail; the inmate may be present if incoming mail is opened for possible contraband, drugs, or escape plans. All prisoners are allowed telephone privileges, but for security reasons, a prison officer may listen to any calls after notifying the offender of that fact. Furloughs (short-term leave for about three days) are possible, and those privileges are seldom abused.

Almost every institution has study facilities, including study at a university through distance learning. All inmates are required to participate in program activities: education, specialized treatment programs, day releases for education or work purposes, conventional work, Internet service, and vocational training. Industrial prison work is managed by a special unit.

All prisoners have a right to leisure activities of almost any sort, including darts, table tennis, and billiards; workout opportunities; and extramural and intramural games. Libraries are available, and prisoners may have access to magazines, newspapers, and radio and television. Medical treatment is routine, but if the inmate requires hospitalization, he or she is transferred to an outside hospital for as long as deemed necessary; medical service is free.

Two more points: First, there is an inmate council elected by other inmates, and the council represents inmate complaints if necessary. Inmates may also appeal to the external ombudsman. Second, many short-term (maximum sentence of six months or less) inmates may request to be transferred to house arrest with electronic monitoring (known in Sweden as "tagging"). Those offenders are thus monitored 24 hours a day but allowed to leave their residence only with prior permission. Inmates are viewed quite differently, and treatment is liberally individualized. Does this sound like a typical American prison?

SOURCES: Based on Peter Lindstrom and Eric Leijonram, "The Swedish Prison System," at http:// www.internationalpenalandpenitentiaryfoundation.org/Site/documents/Stavern/29_ReportSweden. Accessed July 18, 2013.

For the Danish prison system, see Dylan Tull, "Danish Prison System Shows Different Understanding of Crime," http://whitmanpioneer.com/news/2013/03/07/danish-open-prison-system-shows-different-understanding-of-crime/ (accessed July 18, 2013).

The Norwegian prison system can be found at Chih-huei Wendy Wang, "A Liberal Prison System," http://www.youtube.com/watch?v=Uj3SMiDvjdg (accessed July 19, 2013).
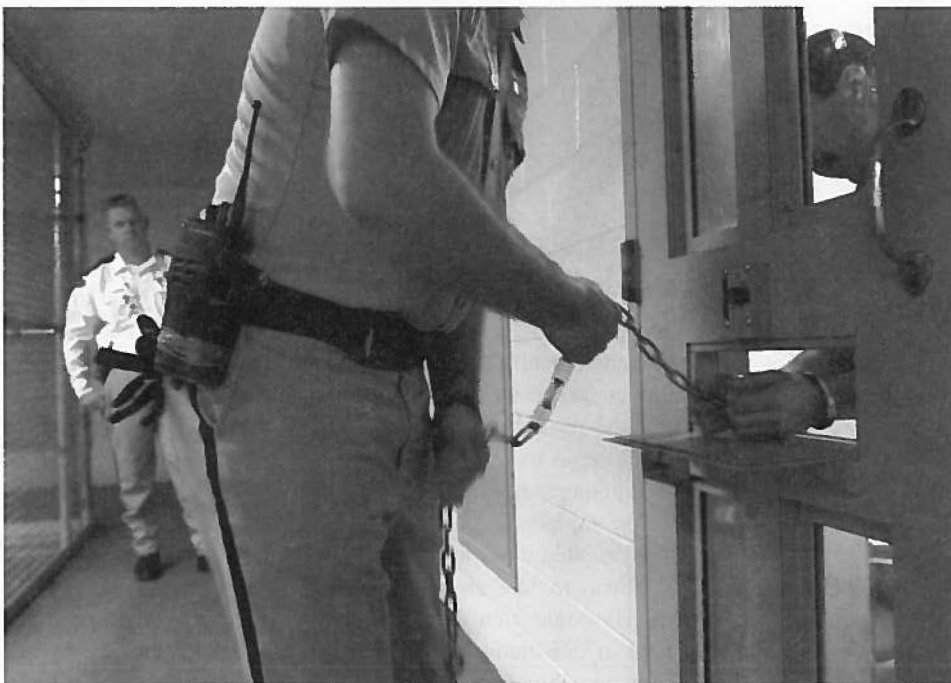
Deterrence

Yet another reason for punishment of criminals is the belief that such actions have a **deterrent effect**, *specifically* on the offender or *generally* on others who might consider a similar act.[4] With **general deterrence**, it is believed that a sanction deters potential offenders by inflicting suffering on actual ones. For example, when we see the "perp" walk on television, it is hoped that potential criminals will not commit a similar crime in fear of being caught and punished. **Specific deterrence** is when a sanction is imposed on an actual offender in the belief that it will stop that individual from committing crimes in the future. It is believed that in order for punishment to serve as a deterrent, it must be swift, visible to others, closely linked to the forbidden action so that it discourages future recurrences of that crime, certain, and categorical (all persons committing a certain crime will receive the same punishment).[5] Furthermore, the state and its representatives must uphold superior values and conforming behavior to serve as irreproachable examples of good citizenship. Finally, after punishment, offenders must be allowed to resume their prior positions in society without stigma or disability.

Unfortunately, as we know, punishment may continue long after a sentence has been served. For example, even after an offender has successfully completed a punishment-oriented correctional process, the **stigma of conviction** and imprisonment is often carried for the rest of the ex-offender's life.[6] Finding it almost impossible to get a job because of a criminal past, the ex-offender may decide, "If I'm going to have the name, I might as well play the game." At that point, neither the punishment nor the stigma is an effective deterrent, and the offender is likely to return to crime.[7]

Incapacitation

A third reason to punish the offender derives from the concept of **incapacitation**. This theory holds that the best way to limit offenders' ability to break the law is to incapacitate them, usually by locking them up for long periods of time. The solution, therefore, is to temporarily isolate, remove, or cripple such persons in some way. This approach is

key term
Deterrent effect
The extent of crime control by incapacitation, threat of punishment, or announced potential criminal sanction.

key term
General deterrence
Preventing potential criminal behavior by making examples of offenders openly; the message here would be "See what will happen to you if you commit crime."

key term
Specific deterrence
Punishing individual offenders to prevent their further criminal behavior.

key term
Stigma of conviction
Effect of labeling, interference with ordinary social functioning, and resulting diminishment of offender.

key term
Incapacitation
Depriving offenders of the ability to commit additional crime, usually through imprisonment.

photo 3.1
Guards at the Secure Housing Unit (SHU) of Pelican Bay State Prison in Crescent City, California, put handcuffs on an inmate through a small hole in the door. Such cells are typically used to house violent gang members who are allowed to leave the cell only for 90 minutes of solo exercise a day.
Jake Schoellkopf/AP Images

sometimes referred to as the **theory of disablement**, a euphemism for death, banishment, or mutilation. Ideally, the disablement should relate to the crime (e.g., in some countries castration has been used to punish sex criminals). Incapacitation usually means imprisonment, but it can also include techniques such as house arrest and electronic monitoring. One variation of the isolation rationale of incapacitation is the **selective incapacitation** movement. Greenwood argued that prison overcrowding and the scarcity of beds in prisons require a policy of sending only repetitive or violent offenders to prison; he especially recommended prison for those who commit armed robbery.[8] He believed selective incapacitation[9] would thus result in better uses of correctional resources and more effective crime prevention.[10]

Selective Incapacitation

This doctrine of isolating the offender, or causing "social disablement," proposes adopting a policy of incarcerating those whose criminal behavior is so damaging or probable that nothing short of isolation will prevent **recidivism**. This "nothing-else-works" approach would require correctly identifying those offenders who would be eligible for longer-term imprisonment and diverting others into correctional alternatives. Thus, we would be able to make maximum effective use of prison cells, a scarce resource, to protect society from the depredations of such dangerous and repetitive offenders.

Current correctional technology, however, does not permit us to correctly identify those who require incapacitation. Rather, the evidence is that we would incarcerate numerous noneligibles (a "false-positive" problem) and release to lesser confinement many of those eligible (a "false-negative" problem). Whatever benefits might accrue to this sentencing doctrine have thus far eluded corrections. The difficulty is further spotlighted in the *Report to the Nation on Crime and Justice*:

> Career criminals, though few in number, account for most crime. Even though chronic repeat offenders (those with five or more arrests by age 18) make up a relatively small proportion of all offenders, they commit a very high proportion of all crimes. The evidence includes data for juveniles and adults, males and females, and for urban and rural areas. In Wolfgang's Philadelphia study, chronic offenders accounted for 23 percent of all male offenders in the study, but they had committed 61% of all the crimes. Of all crimes by all members of the group studied, chronic offenders committed:
>
> - *61% of all homicides*
> - *76% of all rapes*
> - *73% of all robberies*
> - *65% of all aggravated assaults.*[11]

The Effect of Punishment

It is recognized that some punishment can be effective when applied in the right amounts and at the right time, and punishment may, in some cases, be a necessary predecessor to rehabilitation. Few serious offenders readily seek or are amenable to rehabilitation without some form of coercion or threat. When the ideology of punishment is applied in a correctional institution, however, the result is often negative for both the punished and the punisher. Correctional personnel tend to watch for minor rule infringements or nonconformism (horseplay, abusive language, skipping classes, etc.) so the punishment can be administered, and they overlook any positive actions by offenders.[12] Often the rules that are prepared for a punishment-oriented environment surround the offender with a wall of "do nots," leaving almost no leeway to "do" anything.

As evidenced by a high crime rate, punishment by the law does not seem to create much respect for the law, even in jurisdictions where punishment may actually be swift, harsh, and certain. Overuse of punishment in a society that claims to be open and free

creates a situation in which the punished can characterize their punishers as persecutors of the poor and helpless. The accusation turns attention away from the crimes that put them there and gives rise to the concept of the "political prisoner." Thus, minority-group members are likely to blame their incarcerations on repression by the rich, on political persecution, on racism, or on attempted genocide. Punishments are then made more and more severe in a desperate but hopeless effort to compensate for their ineffectiveness. Often such punishments motivate offenders to become more sophisticated criminals (rather than noncriminals) in the belief (no doubt valid) that the more skilled one is at a trade, the less likely one is to be caught. The offenders become hardened to the punishment, and the administrators learn to dole it out automatically as their only means of control.[13] Both parties are degraded in the process.

Both history and science refute the argument that the use of punishment can halt crime. For example, those people for whom punishment is least effective are the following:

1. Psychopathic risk takers
2. Those under the influence of drugs or alcohol
3. Those with a history of being punished

Unfortunately, these are the attributes of an offender population. Punishment often does not work with those whom we need it to work most with: criminals.[14]

It must be understood that the significance of punishment as an ideology in correctional practice lies in the viewpoint of the punished offenders. If they see the punishment as an unjust imposition of the will and power of the establishment and are reinforced in that belief by their peers (other offenders), their punishment will only encourage them to maintain negative attitudes and behavior patterns. By contrast, if offenders believe their punishment is both deserved and just and their social group agrees, the punishment may have a startlingly different and more positive result. If a criminal is justly treated, that offender may abandon crime, but excessive punishment may push the offender over the edge and destroy every chance of reform. The punished and stigmatized offenders turn to those who are most like them for support and values. If they are embittered by the punishment they have received, they are likely to reject the very values the punishment was intended to reinforce.[15]

James Austin and Aaron McVey[16] examined the effects of recent political policies designed to increase punishment by increasing the probability of an offender's being arrested, convicted, and imprisoned and serving longer sentences. We extend their predictions by noting that, if current punishment trends continue, the nation will be characterized as follows:

- Have [1.3] million prison inmates by 2019.
- Have 200,000 elderly prisoners ("geriatric inmates") in prison by 2020.
- Remain number one in the world in rate of incarceration per 100,000 residents.
- Have almost 10 million persons under correctional supervision.

Finally, the change in attitude has led to a painful search for alternatives to probation (regarded as too little punishment) and imprisonment (regarded as too expensive a form of punishment). The emerging alternatives—known as intermediate sanctions—promise relief from the pressures of prison overcrowding. In addition, the new wave of punitiveness has contributed to selective incapacitation, an important and effective tool for correctional administrators but only if it is designed to suit an individual offender and an individual situation (see Chapter 6). General and uniform punishment is still the rule rather than the exception, however, and the movement toward a **rehabilitation model** is slow.

THE REHABILITATION IDEOLOGY

A major trend in corrections is to approach the offender much as one would the mentally ill, the neglected, or the underprivileged. This more humane ideology, reflected in the rehabilitation model, seeks change in behavior of the offender produced by treatment and services. With the rehabilitation ideology, the offender chooses to refrain from new crimes rather than being unable to. Although some refer to the criminal as "sick," the rehabilitation ideology is not analogous to a medical approach. The closest comparison with physical illness lies in the need for offenders to recognize the danger and undesirability of their criminal behavior and then to make significant efforts to rid themselves of that behavior. The rehabilitation model does not "remove" criminal behavior as one might remove an infected limb; rather, the "patient" (inmate) is made to see the rewards of positive behavior and is encouraged and equipped to adopt it as a model.

Treatment, of course, begins with a diagnosis of an offender's needs, the design of a program plan to address that person's needs, the application of the intended program with periodic monitoring, and updating and modification of the plan to maximize effectiveness. Treatment is designed to correct behavior instead of some underlying defect or disease.

The rehabilitation ideology does not encourage inmates to be coddled and allowed to do as they please within the institution. It is a fairly common belief among many elements of the criminal justice system that any program that is not punitive or restrictive is being "soft" or akin to "running a country club." In fact, some form of rehabilitation can be applied in even the most restrictive and security-oriented institutions. The main difference between the rehabilitation and punishment ideologies is that in the former, offenders are assigned to the institution for a correctional program intended to prepare them for readjustment to or reintegration into the community, not just for punishment and confinement. There is room for punishment and security in the rehabilitation approach but little room for rehabilitation in the punitive approach. The more humane treatment methods are intended to be used in conjunction with the employment of authority in a constructive and positive manner, but inmates must be allowed to try, even if they fail. Authoritarian procedures, used alone, only give the offender more ammunition to support a self-image as an oppressed and impotent pawn of the power structure.

The student should recall that the field of corrections, especially in its early history in America, underwent significant change as innovators again sought the answers to the question mentioned earlier: "Who are the offenders, and what should we do with them?" The rehabilitation ideology contains four separate answers to the question, commonly referred to as treatment doctrines.

The Quaker reform movement, arising in 1790, held that offenders were out of touch with God. The corresponding treatment approach was isolation. Prisoners were supplied with a Bible for reading and doing penitence. The doctrine for the Quakers was to help offenders find their way back to God; it was believed that once God was found, crime would cease. The Quakers are a religious group that has a strong pacifist and nonviolent ideology as part of their faith. Probably the best-known Quaker in America was William Penn, after whom Pennsylvania was named.

The belief that criminals have lost their way and need to find "religion" is still strongly believed by many. This movement is still active today through organizations such as Prison Fellowship Ministries and other religious orders that attempt to minister to inmates.

The **reformatory movement** solutions, after 1890, provided somewhat different answers. Offenders were seen as disadvantaged, "unfortunate" persons whose education, training, and discipline had been inadequate. The **educational doctrine** answer was to provide education at a functional level, emphasis on vocational and occupational skills, and a regime of discipline that was aimed at the internalization of controls to prevent recurrence of criminal behavior when the prisoner was released.

The **medical model** that developed in the late 1920s and early 1930s under the leadership of Sanford Bates and the U.S. Bureau of Prisons saw the answers as lying within

the individual. It then became necessary to diagnose the individual problem, develop a treatment program that might remedy it, and then apply treatment. When the "patient" was found to be well, he or she would be released to a program of aftercare in the community under the supervision of therapeutic parole officers who would continue casework therapy until the offender was "rehabilitated." The medical model offered hope of rehabilitation. It was the responsibility of corrections to "make the ill well." The "ill" would thus be passive recipients of beneficent therapy like patients in a hospital.

Underlying the medical model is the **indeterminate sentence** and its assumptions of rehabilitation and early release if the offender were treated and reformed. The minimum and maximum periods (such as a one- to five-year sentence) reflect the inability of the sentencing judge to know exactly when the prisoner would be reformed. While the medical model has been largely abandoned in corrections, it is still very much alive in substance abuse treatment.

The indeterminate sentence is thus a sentence to incarceration pronounced by a judge that sets minimum and maximum periods of confinement for the offender (such as "from one to five years"). The minimum term would establish the earliest release date (adjusted for certain time credits for, as an example, jail time during pretrial detention) or the date of the first parole consideration to determine if the inmate should be released. At the maximum term, the inmate would have to be released.

Before 1975, the federal system and all of the state systems had sentencing codes that were indeterminate, and boards of prison terms and parole, commonly called parole boards, were given broad discretion in determining when an inmate was ready for release under parole supervision. Since 1976, almost two-thirds of the states as well as the federal system have limited parole board discretion or abolished discretionary parole completely. In addition, the percentage of inmates released through parole board discretion declined from 72 percent to less than a projected 31 percent at the beginning of 2016. Twenty-three states now use guidelines to structure their release decisions.

The fourth doctrine emerged in the late 1960s. It is acceptable to use either 1965 or 1969 as the date of origin, but whichever date is used, this form of treatment was a significant trend throughout the 1980s. Known as the **reintegration model**, this form of treatment made differing assumptions about the cause and solutions to crime and the criminal. The community was seen as the basic etiological factor, and the offender was considered to be the product of a local community that excluded, failed to provide for, or discriminated against the offender. Because the basic cause is regarded as community related, proponents thought it best to address the problem by using community resources that correctional agencies would be able to marshal or develop. These would include reducing poverty rates, investing in children, urban revitalization, Head Start programs, and job training. The offender's role requires active participation in the effort to resolve the difficulty; correctional agencies then serve as brokers for services. Ideally, a community management approach is used, wherein several officers can specialize to maximize the delivery of opportunities to the offender, who is eager to reintegrate and become part of the community. The four doctrines require treatment and coexist in the correctional ideology called *treatment*, which we discuss in Chapter 9.

THE PREVENTION IDEOLOGY

As mentioned, the problem of crime cannot be separated from the individual offender. In a sense, the problem can be temporarily removed from the community whenever the offender is sent off to prison. Almost all offenders are eventually released, however, and the problem returns unless it has been effectively treated while the offender was in the prison. Because of the perceived minimal success of present correctional programs (recidivism rates range from 40 to 70 percent),[17] many communities and governmental agencies are

turning to crime prevention as a possible solution. Prevention methods have a dual focus: on the individual and on the environment in which he or she lives.[18] Much crime prevention activity is designed to steer potential delinquents away from a life of trouble. Such programs generally begin at the school level, where truancy and dropping out are often the precursors of criminal activity. Those early programs, for the most part, attempt to identify the first signs of criminal behavior.

As Pogo Possum, the 1950s cartoon character of Walt Kelly, said, "Prediction is difficult, 'specially when it's about the future." Prediction is a complex process, even when it is carefully controlled.[19] Prevention programs in schools today aim to treat problem children by providing specialized classes, alternative schools, vocational education, and counseling.[20] The more progressive among them do not aim to force juveniles out of the picture by expulsion from school, but rather seek to keep youth involved in school. The prevention ideology recognizes that problem children must have supportive help, or they are very likely to use crime as an outlet for unhappiness and insecurity.

Those who advocate the prevention ideology are well aware that total prevention of crime is probably impossible. One of the early sociological giants, **Emile Durkheim** (1853–1917), believed that crime in some form was an inevitable accompaniment to human society and that if serious crime were prevented, authorities would focus their attention on minor offenses.[21] Essentially, the prevention ideology holds that crime may at least be reduced through an attack on the social and emotional problems that encourage a person's criminal inclinations.

The individual's environment is recognized as a crucial focus in the prevention of crime; the prevention ideology emphasizes the need to structure the environment so criminal opportunity is minimized. As an example, it has been said that the greatest crime-prevention device ever invented was the streetlight. The movement toward crime prevention through environmental design has great promise for the future. The object of such an approach is not only to provide barriers to crime (such as window bars, fences, locks, airport electronic search, and security checks)[22] but also to enhance the existing features that tend to discourage crime (e.g., more lighting around homes and apartment buildings, more windows in dark hallways, and community projects aimed at getting people to know their neighbors). The conditions that produce a high or low crime rate in a given area are not all physical; however, the environment includes the people, activities, pressures, after-school programs for juveniles, and ideas to which an individual is exposed every day. Recently, crime prevention has begun targeting specific problems such as violence reduction and gun courts. One such example can be seen in the Cincinnati Initiative to Reduce Violence (see Correctional Practice 3.2), which attempts to target high-risk offenders with a history of violence. This unique program combines the threat of prosecution (deterrence) with an

profile

Emile Durkheim
Early sociologist who believed that crime in some form was an inevitable accompaniment to society.

correctional **practice 3.2**

Cincinnati Initiative to Reduce Violence

The Cincinnati Initiative to Reduce Violence is a multiagency and community collaborative effort initiated in 2007 designed to quickly and dramatically reduce gun violence and associated homicides with sustained reductions over time. The initiative is a focused-deterrence strategy that is modeled after the Boston Gun Project from the mid-1990s. A partnership among multiple law enforcement agencies (local, state, and federal), social service providers, and the community has been established to deliver a clear message to violent street groups: The violence must stop. This message is communicated through a number of different mechanisms, including call-in sessions with probationers and parolees; direct contact through street workers (street advocates), police, probation, and parole officers; community outreach; and media outlets. Law enforcement agencies have gathered intelligence on violent street group networks, and consequences are delivered to the street groups that continue to engage in violence. Those offenders seeking a more productive lifestyle are provided streamlined social services, training, education, and employment opportunities. The community and law enforcement are working as partners and as a result, strengthening their relationship.

offer of assistance (rehabilitation). The prevention ideology advocates the maximum use of resources in areas that have special problems, such as poverty and overcrowding—funds should be allocated for crime prevention rather than for prison construction.[23]

In **community corrections**, the prevention ideology is combined with treatment. The emphasis is on the identification and treatment of the problems that have caused past criminal behavior to prevent its recurrence. Eventually, the emphasis may lead to a closer, more interdependent relationship between the agencies now involved in crime prevention and those that provide community services. As they presently operate, criminal justice agencies actually tend to create more problems for minor offenders instead of treating the problems that got those people into trouble.[24] If schools, churches, service agencies, and similar organizations could become more involved, before persons become entangled in the criminal justice system, many criminal careers could be prevented before they start. **Diversion** and nonjudicial approaches to offenders are seen as potentially valuable alternatives to a more formal punishment-oriented reaction to the problem of crime. A combination of prevention and treatment ideologies would be the most promising and humane organization of correctional beliefs and practices.

THE PENDULUM SWINGS

From the late 1970s to 1990s, high crime rates caused the forces of society to turn again to the punishment ideology.[25] As the populations of the country's jails and prisons have grown to almost unmanageable proportions, administrators and legislatures have become more willing to accept the turn backward in order to have at least some way to cope with the growing and more violent criminal populations and prison gangs. The following chapters discuss the problems faced by harried and chronically underfunded correctional administrators trying to deal with institutions that are so overcrowded that they are bursting at the seams. Budgets are stripped of so-called frills such as treatment and must be used to add beds, food, and custody staff to house and feed inmates while trying to protect society. The trend toward determinate sentences and **"get-tough"** laws at all levels exacerbates the situation. At best, treatment is difficult to carry out in a security institution. At worst, treatment is all but impossible to find. That pessimistic situation formed a trend that began

in the 1980s. The correctional "nonsystem" entered the first two decades of the new century in a continuing state of indecision as to what to embrace as its core ideology.[26] The results were clear, however, and the hope for treatment that dominated in the 1960s and 1970s seems lost in the cry for "hard time" for offenders. Poor economic conditions in inner-city blighted areas, the Great Recession, and continued overcrowding exist at levels unprecedented in the short history of corrections in America.

Despite the increased reliance on punishment and the backlash that has so negatively impacted corrections during the past three decades, there appears to be growing support for both rehabilitation and prevention among legislators[27] as well as the general public,[28] especially support for evidence-based practices. Indeed, there is some evidence that the pendulum is again swinging toward a less punitive approach. For example, some states are reexamining the age at which juveniles can be bound over to the adult system, and draconian drug laws are being repealed. Recent figures released by the Bureau of Justice Statistics also reveal that the number of offenders under correctional control declined in 2010–2014. It is too early to determine if this is a trend or a short-term response to the financial crisis that began in 2008. Perhaps that is why the best analogy is of the pendulum and its continuous path as it begins to swing from right to left. It will take major changes in the future for the pendulum of justice to begin a swing back toward the center, but there are signs that this may be happening. State and local jurisdictions are finding that current correctional costs must be reduced in light of insufficient tax incomes. The task ahead for today's students will be both important and difficult as they track the path of the pendulum.

RESTORATIVE JUSTICE

The debate over the future of the criminal justice system has historically been between proponents of a retributive, punitive philosophy and advocates of the traditional individual treatment mission. All of these approaches have failed to satisfy basic needs of individual crime victims, the community, and offenders. A new ideology is now being tried, mostly in the juvenile justice system, which seems to have some merit for consideration. The balanced and restorative justice (BARJ) model outlines an alternative philosophy, **restorative justice**,[29] and a new mission, "the balanced approach."

The BARJ model requires criminal justice professionals to devote attention to enabling offenders to make amends to their victims and communities, increasing offender competencies, and presumably protecting the public through processes in which individual victims, the community, and offenders are all active participants. The offender must confess to the crime and participate in finding solutions appropriate for all stakeholders.

The BARJ model responds to many issues raised by the victims' movement, including concerns that victims have had little opportunity for input into the resolution of their own cases, rarely feel heard, and often receive no restitution or expression of remorse from the offender. The balanced approach is based on an understanding of crime as an act against the victim and the community, which is an ancient idea common to tribal and religious traditions of many cultures. Practitioners have used techniques consistent with this approach for years; however, they have lacked a coherent philosophical framework that supports restorative practice and provides direction to guide all aspects of juvenile justice practice. The BARJ model provides an overarching vision and guidance for daily decisions.

Criminal justice professionals, including probation and parole officers, prosecutors, judges, case managers, and victim advocates, recognize the need for justice system reform. People who work on the front lines of the system are faced daily with the frustration of seeing growing numbers of young people and adults involved in criminal behavior. These offenders often leave the system with little hope for real change, and, unfortunately, countless crime victims and community members are left out of the process. That frustration has inspired many of these professionals to work toward changing organizational culture, values, and programs to reflect a more balanced and restorative approach to juvenile justice.[30]

The BARJ model is a vision for the future of corrections and criminal justice that builds on current innovative practices and is based on core values that have been part of most communities for centuries. It provides a framework for systemic reform and offers hope for preserving and revitalizing the juvenile justice system. Implementation must begin with consensus building among key stakeholders and testing with small pilot projects to develop the model. This evolutionary process can build on existing programs and practices that reflect restorative justice principles, such as victim–offender mediation,[31] victim–offender panels, family group conferencing, community service, restitution, and work experience.

Balanced and Restorative Justice Philosophy

The foundation of restorative justice practice is a coherent set of values and principles, a guiding vision, and an action-oriented mission. The guiding principles of restorative justice are that crime is injury and crime hurts not only individual victims but also communities and offenders and creates an obligation to make things right. All parties should be a part of the response to the crime, including the victim if he or she wishes, the community, and the offender. However, the victim's perspective is central to deciding how to repair (restore) the harm caused by the crime. Accountability for the offender means some acceptance of responsibility to repair the harm done.

The community is ultimately responsible for the well-being of all its members, including both victim and offender, and all human beings have dignity and worth. Restoration means repairing the harm and rebuilding relationships in the community. It is the primary goal of restorative justice. Results are measured by how much repair was done rather than by how much punishment was inflicted. This ideology accepts that crime control cannot be achieved without the active involvement of the community.

The justice process is respectful of age, abilities, sexual orientation, family status, and diverse cultures and backgrounds (e.g., racial, ethnic, geographic, religious, and economic backgrounds), and all are given equal protection and due process. The restorative justice vision needs to have support from the community, opportunity to define the harm experienced, and participation in decision making about steps for repair that result in increased victim recovery from the trauma of crime. It accepts that community involvement in preventing and controlling crime, improving neighborhoods, and strengthening the bonds among community members results in community protection.

Through understanding the human impact of their behavior, accepting responsibility, expressing remorse, taking action to repair the damage, and developing their own capacities, offenders become fully integrated and respected members of the community. Justice professionals, as community justice facilitators, organize and support processes in which individual crime victims, other community members, and juvenile offenders are involved in finding constructive resolutions to delinquency.

The Balanced Approach and Its Application

Transforming the current justice system into a more restorative model will and must require that professionals have the power to transform justice into a more balanced and restorative system. By developing new roles, setting new priorities, and redirecting resources, justice professionals can do the following:

1. Make needed services available for victims of crime.
2. Give victims opportunities for involvement and input.
3. Actively involve community members, including individual crime victims and offenders, in making decisions and carrying out plans for resolving issues and restoring the community.

4. Build connections among community members.
5. Give offenders the opportunity and encouragement to take responsibility for their behavior.
6. Actively involve offenders in repairing the harm they caused.

This approach is relatively new and requires additional research and application; it may help turn the tide on the punishment and retribution ideologies that are now so much in favor with politicians and the public.

EFFECTS OF PUBLIC OPINION OF CRIME CONTROL

In the last decade of the last century, one American criminologist alerted policy makers to the pending development of super-predators emerging from disadvantaged groups in poverty-stricken communities. Super-predators were predicted to emerge to attack others, wreaking havoc through physical attacks not necessarily intended to rob others, but simply to pillage and kill. Many politicians reacted through extreme measures, lengthening prison sentences, enhancing sentence structures, authorizing the binding over of juveniles to adult courts to be tried as adults, and enacting second- and third-strike laws that doubled sentence length if a second offense and required judges to sentence criminals to 25 years to life for a third offense, such as stealing a slice of a pizza.

Public opinion can be inflamed, as seen above. Yet over time, public opinion can have a salutary effect. Once again, this can be seen in the death penalty controversy. Pollsters used to ask if respondents supported the death penalty, and found that approximately 70 percent of respondents said "yes." But if respondents were asked if similar criminals should be sentenced to death or to life without parole, support for the death penalty dropped precipitously. An even greater drop emerged when they were allowed the option of life without parole and restitution to the families of the victim. Public opinion has led many states and some governors to abolish the death penalty or its execution.

CONTEMPORARY CORRECTIONAL POLICIES

Contemporary correctional policies vary across jurisdictions. Policies are proposed actions to be taken under certain circumstances and guide correctional practice. They are intended to achieve some policy goal and describe what actions would be appropriate.

One major correctional policy was the decision by the State of Ohio to strengthen and fund community corrections for juvenile offenders. The state legislature funded the Department of Youth Services that provides treatment for juvenile offenders, dictating that agency reduce its institutional populations by using such appropriations to underwrite local services to maintain and treat juvenile offenders in the local community. The department shrank to about 10 percent of its former size and local community treatment services tripled simultaneously. This is a correctional policy in action.

In the coming chapters, we identify correctional policies relevant to the correctional issues involved. But we would be remiss at this time for not identifying the recidivism reduction power of formal education and training. Helping non-creditioned prisoners to earn the equivalent of a high school diploma has a lasting impact on reduced recidivism. The prison system for criminals who violate federal laws (Federal Bureau of Prisons) requires all inmates to complete the high school diploma equivalent before release.

CONTEMPORARY CORRECTIONS

The need for correctional reforms and structured plans to achieve them was documented by the President's Crime Commission, appointed by President Lyndon Johnson in the 1960s; by the President's Commission on Criminal Justice Standards and Goals; and by task forces in many states. The early 1960s emerged as a period of research that sought alternative methods, programs, treatment procedures, and designs for facilities. The most astonishing and significant findings included the following:

1. Long sentences are self-defeating with regard to rehabilitation, and life sentences for juveniles are violations of the Eighth Amendment to the U.S. Constitution.
2. Most offenders—perhaps as many as 85 percent—do not need to be incarcerated and could function better back in the community under supervision.
3. Most inmates derive maximum benefit from incarceration during their first two years; after that period, it becomes less and less likely that they could function as productive citizens if returned to society.
4. Community-based corrections are more realistic, less expensive, and at least as effective as incarceration.
5. Corrections, as a system, must encompass all aspects of rehabilitative service, including mental health services, employment services, education, and social services.
6. Some offenders, because of their dangerousness, will require extensive incarceration and treatment programs especially designed and implemented in secure institutions. The staff in those institutions must be extensive and of high quality.
7. Most inmates are not mentally ill but suffer from a variety of educational, medical, psychological, maturational, economic, and interpersonal handicaps that are seldom reduced or resolved in contemporary correctional systems.
8. Inmates must be given the opportunity and capability to earn a living wage so as to compensate their victims and support their own families, keeping them off public assistance rolls.
9. The pay for currently incarcerated inmates is too low to be regarded as wages. Thus, the rates of pay must be increased to at least the minimum wage on the outside for similar labor.
10. The private economic sector must be sought out and used to provide both training and work programs that will produce employable workers at the end of the corrections cycle.

Despite the evidence, five important developments in corrections have occurred since the 1980s: (1) the abandonment of the medical model; (2) the shift to **determinate sentencing** (which places limits on the judge's powers); (3) a search for punishments that would be more effective than court-ordered probation and less severe than long-term incarceration, the so-called intermediate sanctions; (4) renewed emphasis on rehabilitation and effective programming for offenders; and (5) restorative justice (discussed above).

By 2013, the majority of the states embraced determinate sentencing, abolishing discretionary parole release mechanisms in at least 16 states and imposing mandatory add-on time for use of a gun in crimes, sale of narcotics, and some especially brutal crimes. At least 29 states and the District of Columbia have adopted the federal truth-in-sentencing standard that requires Part I violent crime offenders to serve not less than 85 percent of their sentence in prison before becoming eligible for release. The reemergence of retribution in contemporary corrections has led in part to seriously overcrowded prisons, a deluge of lawsuits by prisoners seeking better conditions while incarcerated, and an intense search for new alternatives to imprisonment[32] that would still provide public safety and constitutionally viable conditions for prisoners.[33] As Latessa and Allen noted in 1999, "Ironically, for a movement begun by fiscal conservatives, the new get-tough policy has turned out to be the most costly approach to corrections yet attempted."[34] Recent figures compiled by the PEW Charitable Trusts show that total state expenditures for corrections have risen 315 percent in the past 20 years.[35] American correctional expenditures exceed the gross domestic product (GDP) of 133 countries.

photo 3.4

An inmate who is serving a 40-year sentence for a murder conviction trains Juanita to be a service dog as part of NEADS' Prison Pup program at the John J. Moran medium-security prison. In the NEADS/Dogs for Deaf and Disabled Americans' Prison Pup program, prison inmates train dogs to be placed with deaf and disabled Americans, including disabled combat veterans.
*Brian Snyder/Reuters*

By the beginning of 2015, 1 in 33 adult Americans was under some form of correctional supervision. More than half of federal prison inmates are incarcerated for drug law violations; the national average for state systems is about 20 percent. One in 15 African American men aged 18 or older is incarcerated on any day, and for black men aged 20 to 34, the number is 1 in 9. There are more African American men in prison today that were African American slaves in 1850. Figure 3.1 provides a graphic of the growth curves. Although we are starting to see a reduction in the correctional population, there are now almost 1 in 100 adults behind bars in America. The punishment ideology has contributed heavily to this growth and has fueled the search for intermediate sanctions and more effective programs. These are explored in detail in Chapters 6 and 9.

The War on Drugs has diverted attention from the causes of drug use and social problems, expanded the power of the state in light of the rights of the individual, legitimized intrusion of American politics into Latin and South American governments, and not reduced the volume of drug use. William Weir, an expert on gun control and drugs,

figure 3.1

Adults under Correctional Control: 1980–2015.

SOURCE: Based on data from Bureau of Justice Statistics, Correctional Populations in the United States, 2014. Washington, DC: BJS, 2016:2.
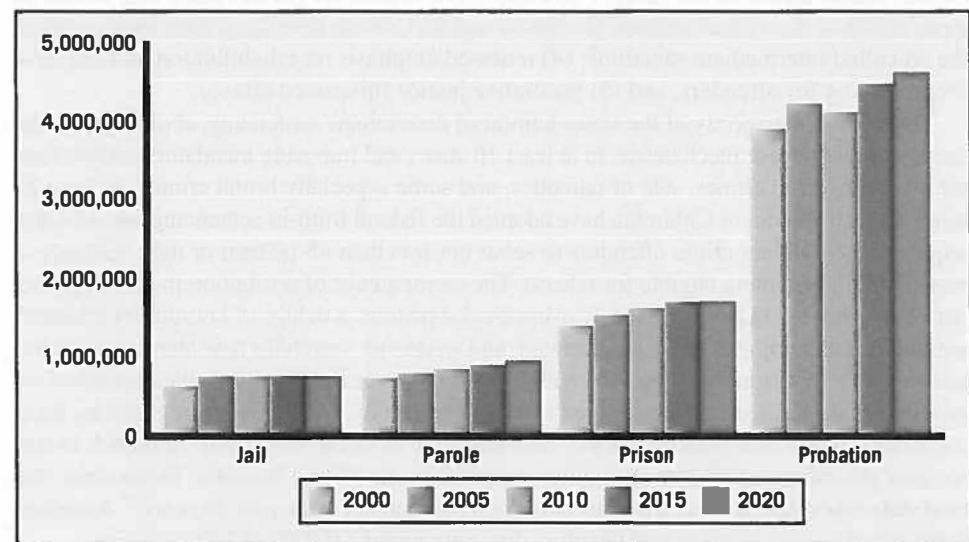
argues that cynical politicians have manipulated the public to attain their own agenda and goals and, in so doing, created a "dope fiend" stereotype to generate votes. The "war" has increased violence and enhanced gangster roles for minority inner-city youth.[36]

Francis Cullen and Cecilia Chouhy[37] offer correctional students some outstanding advice when viewing the development and practices reflected in ideology with these questions:

1. What ideology does a policy reflect?
2. Who will profit politically or professionally by the ideology being spouted?

Summary

Summarize the Definition, Mission, and Role of Corrections

Correctional ideology, a system of beliefs and resultant actions, originated with practices of earliest humankind. Originally, punishment and banishment were the primary missions of corrections, based on the belief that offenders rationally decided to commit crime, were intent on inflicting loss or death, and would not otherwise be deterred from further criminal behavior. They were seen as being evil and deserving of punishment. Thus, retribution and deterrence were intertwined as correctional objectives. When correctional facilities were developed, incapacitation became a major third component of the punishment ideology. Beliefs lead to actions.

Summarize Sentencing Goals and Primary Punishment Philosophies

Corrections has swung into one or another ideological position over the past three decades, bouncing from one type of beliefs and practices to another. During the same period, the rehabilitation ideology has shifted to a more punitive one. In the past decade, with the economic realignment and financial shortfalls that have emerged, the ideology has begun to shift back to the treatment and prevention strategies underlying the rehabilitative and reform positions. It remains to be seen if the shift will continue as we further enter the twenty-first century.

Explain How Public Opinion about Crime Affects Crime Control Policy

While the intent of punishment is to seek retribution, deterrence, and incapacitation, research and investigations have not produced much evidence that punishment works in preventing crime. It is obviously true that those who are executed commit no more crime; most Americans believe that the death penalty is a poor choice between life without parole, especially when linked to repayment to the victim. This may be one reason that only a small proportion of Americans devotedly endorse capital punishment.

Summarize Issues Related to Correctional Policy

In the eighteenth century, with the development of the Age of Enlightenment, a second major ideology emerged: rehabilitation. This ideology is based on the assumption that humans are not perfect but can be made better and that the volume of crime would be lowered if offenders were treated, motivated to cease offending, and given the opportunity to rejoin free society as individuals desiring to merge into mainstream America. To achieve rehabilitation, services and treatments were designed and implemented, however inaccurately, in probation and correctional institutions.

In the late nineteenth and twentieth centuries, a third ideology emerged: prevention. Under this ideology, offenders were seen as persons ill equipped to cope with demands of contemporary life, being undereducated, having blocked opportunities for individual advancement, and suffering from a variety of adverse social factors that included brutal parenting, living in a drug-impacted environment, local juvenile and adult gangs, crime-infested environments, and so on. A variety of programs focused on prevention emerged and included neighborhood change, increasing resistance to criminal acts, shifting law enforcement strategies, social work, and related efforts. Preventing crime is even more significant in crime reduction than is rehabilitation, the latter being more crime preventive than punishment.

In the past three decades, a new ideology has emerged: restorative justice. This ideology is based on the assumption that much crime is committed by individuals who are not yet wholeheartedly intending to follow a life of crime and need to be given an opportunity to leave the ranks of offenders and return to a productive life as a "person who made a mistake but stands ready to rejoin noncriminals living as decent and productive citizens." Restorative justice is best seen when conflicts between victim and offender are reduced and offenders are allowed to make amends and avoid other crimes. This ideology recognizes the need for correcting the offender, healing the community from the crime that has occurred, punishing offenders for the impacts of their crimes, and restoring offenders as members of noncriminal

actors. Such a balanced approach is intended to restore law-violating citizens as law-abiding citizens who once made a serious error by committing a crime.

Describe and Illustrate Contemporary Corrections in the Nation

The nation holds the largest percentage of its population under correctional control than any other nation and has the greatest percentage of its citizenry in prison. This is caused by the effort to handle a large set of societal problems by use of the criminal justice system process. Long sentences defeat the intention of stabilizing and reintegrating social misfits into productive members of society; most inmates make the greatest gains during the first two years of imprisonment. An estimated 85 percent of current inmates are not particularly dangerous and could be habilitated using community corrections options. The latter are more realistic and effective and cost less than imprisonment. Yet some 15 percent of current imprisoned offenders are too dangerous to be controlled through community control and should be under correctional supervision in prisons.

It should be stressed that most current inmates are not mentally ill but suffer from a variety of debilitating challenges, particularly in the area of economic needs. Such inmates should be given the opportunity and capability to earn a living, which would involve interfacing and maximizing cooperation with the private economic sector.

Key Words

ideology, 56	stigma of conviction, 59	indeterminate sentencing, 63
correctional ideology, 56	incapacitation, 59	reintegration model, 63
punishment ideology, 57	theory of disablement, 60	Emile Durkheim, 64
rehabilitation ideology, 57	selective incapacitation, 60	community corrections, 65
prevention ideology, 57	recidivism, 60	diversion, 65
retribution, 57	rehabilitation model, 61	"get-tough" laws, 65
deterrent effect, 59	reformatory movement, 62	restorative justice, 66
general deterrence, 59	educational doctrine, 62	determinate sentencing, 69
specific deterrence, 59	medical model, 62	

Review Questions

1. What basic ideologies have determined the handling of offenders over the years? Which is the oldest?
2. What criteria must be met if punishment is to act as a deterrent?
3. How does the rehabilitation ideology differ from punishment? Are they necessarily exclusive of each other?
4. What are some of the changes currently taking place in the clientele of the correctional system?

5. What effect has the punishment ideology recently had on corrections?
6. What is restorative justice?
7. Explain the impact of drugs on the race/ethnicity of prisoners.
8. Explain the changing role of corrections from 1920 to the present.

Application Case Studies

1. Two juveniles have used their car key to scratch the paint along the sides of your car. What do you think would be your desired outcome for those two juveniles?
2. An inmate under a 15-year sentence for burglary "gets right with God," and it appears that he is sincere in his beliefs and repentance. The prison chaplain asks that the offender be released under supervision so he can perform the work he thinks he needs to do. If you were the warden of this institution, what would you do, if anything? If the offender had 12 more years under the

current sentence? If the inmate had 18 months remaining on his original sentence?
3. A male being prosecuted for murdering a victim is found guilty by a jury but of manslaughter rather than homicide. In your state, manslaughter is punishable by a sentence ranging from 6 to 20 years' imprisonment. As the sentencing judge, what penalty would you impose, and why?
4. Your state senator asks you what would happen in corrections if marijuana were legalized. What would you tell her?

Suggested Group Discussions

1. Ask your students to describe the Swedish approach to prisons and to identify Swedish assumptions about the nature of the offender. Then ask them if the Swedish system would work in the United States and, if not, why?
2. Describe a teenager who has been caught in possession of a little marijuana and the "crime." Then ask your students what could happen if the case were processed through restorative justice.
3. Ask students if the "get-tough movement" has created unwanted outcomes and what could be done to alleviate those.

Homework Assignments

1. Go to the Death Penalty Information Center (http://www.deathpenaltyinfo.org/node/6698) and find the number of exonerations of death row inmates. In one page, explain how those sentenced to death were exonerated.
2. Persons convicted of a felony almost always lose their right to vote when released. Why would this happen? (Limit your answer to one page.) Recommended search site: http://www.sentencingproject.org/wp-content/uploads/2015/08/Felony-Disenfranchisement-Primer.pdf.
3. Find out what informed people can do to change the "get tough" sentencing policy. Go to http://www.americanbar.org/content/dam/aba/images/public_education/tabs/tab5.pdf. Use the bullet format to identify five possible actions and submit those to your instructor in the first class meeting of next week.

Suggested Readings

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John Gilligan, "Punishment Fails. Rehabilitation Works," http://nytimes.com/roomfordebate/2012/12/18/prison-could-be-productive/punishment-fails-rehabilitation-works

RestorativeJustice,org. "What Is Restorative Justice?" https://www.restorativejustice.org.uk/what-restorative-justice.

Endnotes

1. BBC News (2013), "Japan Hangs Three Death Row Inmates," http://www.bbc.co.uk/news/world-asia-21528526. Japan hangs the condemned without telling them their death date, and notifies their families after the fact. See also Alan Pyke (2016), "Notorious Louisiana Prison Accuses Inmate of 'Defiance' for Speaking with Reporters," thinkprogress.org/justice/2016/04/27/3773209/angola/inmate/retribution.
2. Graeme Newman, *Just and Painful: The Case for the Corporal Punishment of Criminals* (New York: Free Press, 1983). Punishing prisoners with electric shock was declared unconstitutional in *Holt* v. *Sarver*, 309 F. Supp. 362 (E.D. Ark. 1970).
3. As cited by Elmer H. Johnson, *Crime, Correction, and Society* (Homewood, IL: Dorsey Press, 1974), p. 173. See also Roger Hood, "Capital Punishment: A Global Perspective," *Punishment and Society* 3:3 (2001): 331–334; and Kika Young (2013), "The Difference between Positive/Negative Reinforcement and Positive/Negative Punishment," http://bcotb.com/the-difference-between-positivenegative-reinforcement-and-positivenegative-punishment/.
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7. Bradley Wright, A. Caspi, and T. Moffitt, "Does the Perceived Risk of Punishment Deter Criminally Prone Individuals?" *Journal of Research in Crime and Delinquency* 41:2 (2004): 180–213.
8. Peter B. Greenwood, *Selective Incapacitation* (Santa Monica, CA: RAND Corporation, 1983). But also see Simon Cole, "From the Sexual Psychopath to 'Megan's Law,'" *Journal of the History of Medicine and Allied Science* 55:3 (2000): 292–314.

9. Incapacitation remains a hotly debated topic in corrections. See Daniel Nagin, David Farrington, and Terrie Moffit, "Life Course Trajectories of Different Types of Offenders," *Criminology* 33:1 (1995): 111–139, and Tom O'Connor (2013). "Correctional Ideologies," http://www.drtomoconnor.com/1050/1050lect02.htm.

10. Hennessey Hayes and M. Geerken argue that it is possible to identify low-rate offenders for early release. See H. Hayes and M. Geerken, "The Idea of Selective Release," *Justice Quarterly* 14:2 (1997): 353–370; and Court Services and Offender Rehabilitation Agency for the District of Columbia, "Day Reporting Center," http://www.csosa.gov/supervision/programs/day_reporting_center.aspx.

11. Marianne Zowitz (ed.), *Report to the Nation on Crime and Justice* (Washington, DC: Bureau of Justice Statistics, 1983). On the Dutch experience, see Ben Vollard (2011), "Preventing Crime through Selective Incapacitation," http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1738900. This approach flies directly in contrast to the view of offenders as an undifferentiated mass of uncontrollable offenders ("superpredators"), all of whom are dangerous and should be incarcerated with long sentences to serve.

12. More than half of prison inmates will be charged with prison rule violations during their current sentences. See James Stephan, *Prison Rule Violations* (Washington, DC: Bureau of Justice Statistics, 1989). See also Stephen Schoenthaler, Stephen Amos, W. Doraz et al., "The Effect of Randomized Vitamin-Mineral Supplementation on Violent and Non-Violent Antisocial Behavior among Incarcerated Juveniles," *Journal of Nutritional and Environmental Medicine* 7:1 (1997): 343–352; and National Bureau of Economic Research (2013), "The Impact of Childhood Lead Exposure on Adult Crime," http://www.nber.org/digest/may08/w13097.html.

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