

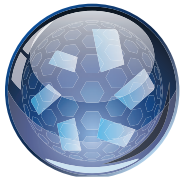


TODD R. CLEAR MICHAEL D. REISIG GEORGE F. COLE

AMERICAN CORRECTIONS

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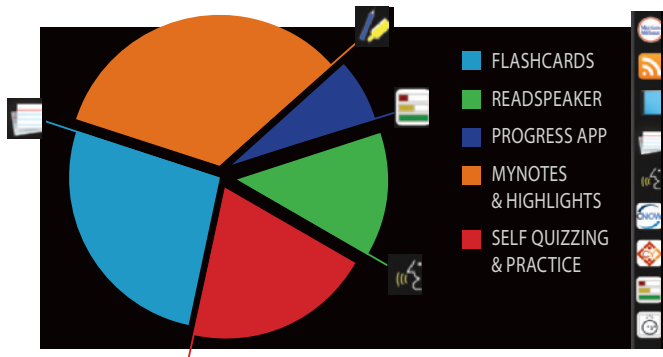
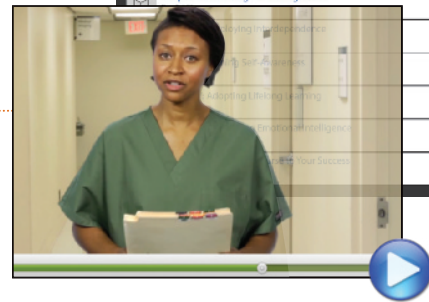
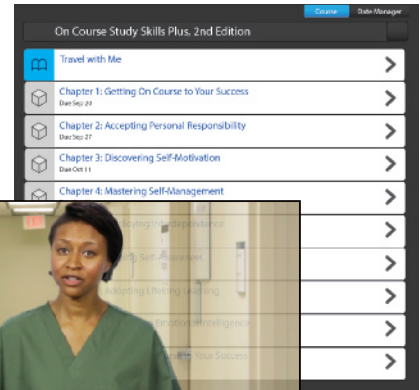
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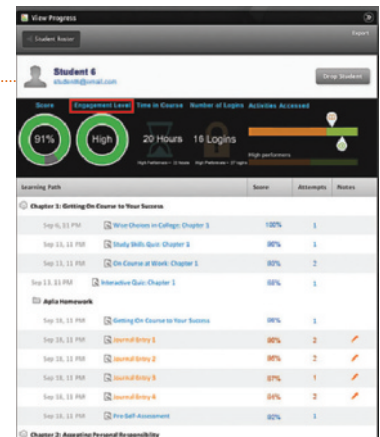


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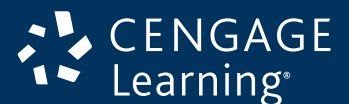
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1600

1650

1700

1750

CORRECTIONAL THOUGHT

TIMELINE OF AMERICAN CORRECTIONAL THOUGHT AND PRACTICE



16th c. punishments

■ **1682**
Pennsylvania adopts
"The Great Law"



Execution of Damians

■ **1690**
John Locke,
Second Treatise on Civil Government

■ **1764**
Cesare Beccaria,
Of Crimes and Punishments

■ **1718**
Anglican Code replaces
"The Great Law"

CORRECTIONAL PRACTICE

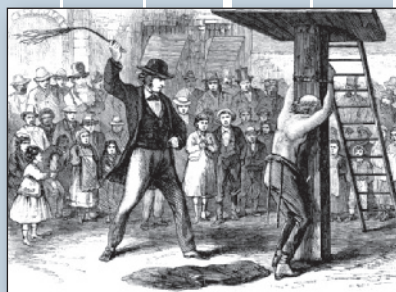
■ **1609**
▼ English counties required
to provide "Bridewells,"
or houses of correction



■ **1619**
Transportation
of 100 English convicts
to Virginia colony

■ **1718**
English parliamentary act
makes transportation
standard punishment
for noncapital offenses

■ **1750**
Galley slavery
abolished
in Europe



Corporal punishment

■ **1755**
Milan House
of Corrections
established in Italy

■ **1692**
Salem witch trials

■ **1733**
Founding of Georgia as
a place for English
debtors and criminals

1600

1650

1700

1750

1800

1850

1900

1787 ■ Society for Alleviating the Miseries of Public Prisoners established in Philadelphia

1789 ■ Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*

1790 ■ Pennsylvania passes legislation nearly identical to England's Penitentiary Act of 1779



▲ **1777** ■ John Howard, *The State of the Prisons of England and Wales*

1827 ■ Elizabeth Gurney Fry, *Observations in Visiting, Superintendence and Government of Female Prisons*

■ **1817** ■ Good Time Law passed in New York

■ **1833** ■ Alexis de Tocqueville and Gustave de Beaumont, *On the Penitentiary System in the United States*

1867 ■ Wines and Dwight, *Report on the Prisons and Reformatories of the United States and Canada*

1868 ■ Amendment 14 to the Constitution guarantees due process of law and equal protection of the law

■ **1841** ■ John Augustus develops the concept of probation

■ **1871** ■ *Ruffin v. Commonwealth* upholds judicial "hands off" policy

■ **1840** ■ Alexander Maconochie and Walter Crofton develop the concept of parole



Folsom prison

■ **1870** ■ Declaration of Principles developed at international conference in Cincinnati, Ohio; creation of National Prison Association

■ **1878** ■ Massachusetts Probation Act

■ **1876** ■ Cesare Lombroso, *Criminal Man*

■ **1899** ■ Illinois Juvenile Court Act



■ **1910** ■ Federal parole law enacted

1780 ■ Use of torture abolished in France

■ **1790** ■ Walnut Street Jail, first penitentiary, established in Philadelphia

■ **1772** ■ Ghent Maison de Force established in France

■ **1772** ■ Connecticut Newgate Prison

■ **1776** ■ Transportation to the American colonies from England ends



▲ **1787** ■ Transportation of English offenders to Australia begins

■ **1825** ■ House of Refuge established in New York

■ **1819** ■ Auburn State Penitentiary established in New York

■ **1825** ■ Western State Penitentiary established in Pittsburgh



19th c. women's prison

■ **1859** ■ State Lunatic Asylum for Insane Convicts established in Auburn, New York

■ **1829** ■ Eastern Penitentiary established in Cherry Hill, Pennsylvania

■ **1834** ■ Pennsylvania abolishes public executions

■ **1847** ■ Michigan first state to abolish death penalty

▲ **1873** ■ State Reformatory, first independent, female-run prison for women, established in Indiana

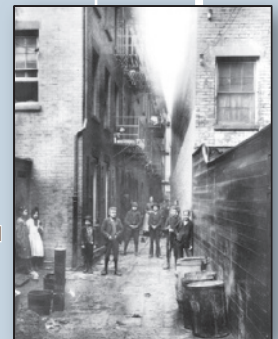
■ **1865** ■ House of Shelter, a reformatory for women run by Zebulon Brockway, established in Detroit

■ **1877** ■ Reformatory Prison for Women established in Framingham, Massachusetts

■ **1895** ■ Fort Leavenworth becomes first federal prison

■ **1864** ■ Halfway house for women established in Boston

■ **1880** ■ Massachusetts establishes statewide probation system



■ **1899** ■ First juvenile court established in Cook County (Chicago)

1800

1850

1900

American Corrections

ELEVENTH EDITION

TODD R. CLEAR

Rutgers University

MICHAEL D. REISIG

Arizona State University

GEORGE F. COLE

University of Connecticut



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American Corrections, Eleventh Edition

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Library of Congress Control Number: 2014944054

ISBN: 978-1-305-09330-0

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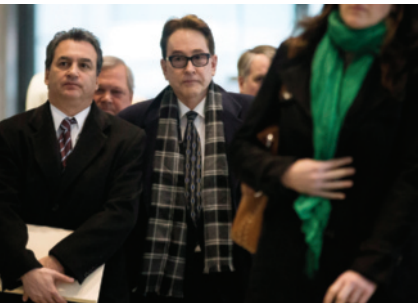
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P R E F A C E

The publication of the eleventh edition of a textbook is a cause for celebration. This is especially true if the book is *American Corrections*, which has been a leader in the field for 30 years and has introduced more than half a million students to this most interesting portion of the U.S. criminal justice system.

The first edition of *American Corrections* was inspired by our shared belief that undergraduates must be exposed to the dynamics of corrections in a manner that captures their attention and encourages them to enter the field. The eleventh edition continues this tradition.

We celebrate this milestone, but we also recognize that, as authors, we have a responsibility to provide readers with the most up-to-date factual material, policy trends, and changes in correctional practices.

Since 1986, when *American Corrections* was first published, this dynamic field has undergone many revolutions of both policy and practice. For example, the shift to mass incarceration was already under way then, with state and federal prisons holding 463,000 offenders—equal to a rate of 188 per 100,000 Americans. At that time, few policy makers would have dreamed that the rate would continue to rise to over 600 per 100,000 in 2010, until it began to decline as a result of declining crime and changes in correctional policy. We also note the shift away from the goal of rehabilitation, dominant in the 1970s, to the primacy of crime control goals since the 1980s. During the past quarter-century, corrections has also seen the rise and fall of boot camps, the growth of privately owned and operated prisons, interest in community and restorative justice, and the present emphasis on evidence-based decision making. *American Corrections* has kept pace with these and countless other shifts.

Corrections is so rich in history, innovative in practice, and challenged by societal problems that it deserves to be taught in a way that is both interesting and accurate. Fortunately, our teaching and research cover different areas of corrections so that each of us can focus on our strengths while challenging the others to do their best work. We hope that this book reflects our enthusiasm for our field and the satisfaction we have found in it.

The recent downturn in the economy has placed great fiscal burdens on public agencies. At all levels of government—federal, state, and local—budgetary deficits have greatly affected corrections. As criminal justice students know, corrections has little to no control over the inflow of offenders to community corrections, jails, and prisons; nonetheless, correctional budgets also often face cuts imposed by fiscally strapped governments. To operate with the resources mandated, some corrections systems have had to release prisoners, cut back rehabilitative programs, expand community supervision caseloads, lay off staff, and take other actions to save money.

To address these problems, correctional professionals and the public are increasingly focusing their attention on research by scholars who have demonstrated the shortcomings of correctional practices and have urged alternatives. In the eleventh edition we thus not only examine the history of corrections and the exciting changes that have occurred to make the field what it is today, but we also look to the future of corrections by examining research-based solutions to current problems.

In *American Corrections*, eleventh edition, we offer an accurate analysis of contemporary corrections based on up-to-date research. By acknowledging the problems with the system, we hope that our exposition will inspire suggestions for change. We believe that when human freedom is at stake, policies must reflect research and be formulated only after their potential effects have been considered carefully. In other words, we hope that any changes we inspire will be good ones. We also hope that a new generation of students will gain a solid understanding of all the aspects of their complex field.

The Approach of This Text

In learning about corrections, students gain a unique understanding of how social and political forces affect the way that organizations and institutions respond to a particular segment of the community. They learn that social values come to the fore in the correctional arena because the criminal sanction reflects those values. They also learn that in a democracy, corrections must operate not only within the framework of law but also within the boundaries set by public opinion. Thus, as a public activity, corrections is accountable to elected representatives, but it must also compete politically with other agencies for resources and “turf.”

Two key assumptions run throughout the book. One is about the nature of corrections as a discipline; the other concerns the best way to analyze correctional practices:

- **Corrections is interdisciplinary.** The academic fields of criminal justice, sociology, psychology, history, law, and political science contribute to our understanding of corrections. This cross-fertilization is enriching, yet it requires familiarity with a vast literature. We have structured our text with a strong focus on coherence to make this interdisciplinary approach comprehensive yet accessible.
- **Corrections is a system.** In our book the concept of a system serves as a framework for analyzing the relationships among the various parts of corrections and the interactions between correctional professionals and offenders. The main advantage of this perspective is that it allows for dispassionate analysis of correctional practices.

Organization

Correctional officials and political leaders are continually asking, “Where is corrections headed?” In this eleventh edition of *American Corrections* we explore the context, practices, and special issues of corrections in three major sections. Each part opens with a guest perspective by a recognized expert who discusses correctional innovations and ideas related to the topics presented in that part. Marc Mauer, Executive Director of The Sentencing Project, opens Part 1: The Correctional Context by assessing criminal justice reform. Mauer notes that we are currently on the cusp of significant changes in corrections, changes that could result in a major policy reformulation for the entire correctional system. Part 2: Correctional Practices opens with a Guest Perspective by Jethro Antoine, Project Director at Newark Community Solutions. A skilled innovator and community organizer, Antoine offers his views on what it takes to make new programs work in the real-world justice context. To open Part 3: Correctional Issues and Perspectives, Debbie Mukamal, Executive Director of the Stanford Criminal Justice Center, describes Project ReMADE, a program established to assist formerly incarcerated people realize their own viable business opportunities. Each of these guest perspectives lays the groundwork for the chapters that follow.

In Part 1 we describe the historical issues that frame our contemporary experience of corrections. We examine the general social context of the corrections system (Chapter 1) and the early history of correctional thought and practice (Chapter 2). We also focus on the distinctive aspects of correctional history in America (Chapter 3), analyze current theory and evidence regarding methods of punishment (Chapter 4), and survey the impact of law on corrections (Chapter 5). In Chapter 6 we portray the correctional client: the offender. We consider the offender in relation to criminal legislation, criminal justice processing, and larger societal forces that are associated with crime. Part 1 thus presents the foundations of American corrections: context, history, goals, organizations, and offenders.

In Part 2 we look at the current state of the major components and practices of the system. The complexity of correctional organization results in fragmentation and ambivalence in correctional services. Jails and other short-term facilities are scrutinized in Chapter 7; probation in the community, by which most offenders are handled, in Chapter 8; and the new focus

on intermediate sanctions in Chapter 9. Because imprisonment remains the core symbolic and punitive mechanism of corrections, we examine it in detail. We discuss incarceration (Chapter 10), the prison experience (Chapter 11), the incarceration of women (Chapter 12), institutional management (Chapter 13), and educational, industrial, and treatment programs in correctional institutions (Chapter 14). In being both descriptive and critical, we hope to raise questions about current incarceration policies. In Chapters 15 and 16 we examine the process of releasing prisoners from incarceration and the ways that offenders adjust to supervised life in the community. In Chapter 17 we describe the separate system of corrections for juveniles. Thus, in Part 2 we focus on the development, structure, and methods of each area of the existing corrections system, portraying them in light of the continuing issues described in Part 1.

In Part 3 we analyze those current correctional issues and trends that are important enough to deserve individual attention: incarceration trends (Chapter 18); race, ethnicity, and corrections (Chapter 19); the death penalty (Chapter 20); and community justice (Chapter 21). In Chapter 22, “American Corrections: Looking Forward,” we take both a retrospective view of American corrections and a view of its future. These chapters are designed to raise questions in the minds of readers so that they can begin to grapple with important issues.

Special Features

Several features make this book an especially interesting introduction to corrections. Each of these features has been revised or newly created for the eleventh edition.

- **Opening vignettes:** Each chapter opens with a description of a high-profile correctional case. Taken from today’s headlines, each vignette dramatizes a real-life situation that draws the student into the chapter’s topic. Instructors find these “lecture launchers” an important pedagogical tool to stimulate interest. We have made special efforts to provide new vignettes for this edition. For example, Chapter 17, “Corrections for Juveniles,” describes the recent Supreme Court restrictions on sentences of the death penalty or life without parole for young offenders. This leads into a discussion of the special distinctions applied to the juvenile corrections system.
- **Critical Thinking:** Each chapter includes critical-thinking boxes that pose questions linked to the opening vignette. We believe that this feature will prompt students to reexamine their initial thoughts about the vignette.
- **Focus On . . . features:** In this feature the real-world relevance of the issues discussed in the text is made clear by vivid, in-depth accounts by correctional workers, journalists, prisoners, parolees, and the relatives of those who are in the system. In this eleventh edition we have increased the number and variety of these Focus features, which are placed into three categories: People in Corrections, Correctional Policy, and Correctional Practice. We believe that students will find that the material in each Focus feature enhances their understanding of the chapter topic.
- **Thinking Outside the Box:** Corrections needs new ideas, and some of the most significant new ideas propose major changes in the way the correctional system does its work. New to this edition, this feature draws attention to today’s most innovative evidence-based practices or programs in corrections, designed to get students thinking beyond traditional aspects to new possibilities. Examining these new ideas provides fresh insight regarding the future prospects of corrections.
- **Do the Right Thing insets:** Correctional workers are often confronted with ethical dilemmas. In each of these boxes we present a scenario in which an ethical question arises. We then provide a writing assignment in which students examine the issues and consider how they would act in such a situation.
- **Evidence-based practice:** Correctional professionals are being encouraged to base decisions on research evidence. This is especially true in probation, intermediate sanctions,

and parole decision making. Implementation of this approach is presented in the relevant chapters.

- **Myths in Corrections:** Faculty have told us that they spend much of their classroom time debunking popular myths about corrections. In this new edition most chapters contain a special boxed feature presenting research that challenges correctional myths.
- **Careers in Corrections:** In appropriate chapters throughout the book, students will find one or more boxes in which a particular correctional occupation is described. The material includes the nature of the work, required qualifications, earnings and job outlook, and a source of more information.
- **Glossary:** One goal of an introductory course is to familiarize students with the terminology of the field. We have avoided jargon in the text but include terms that are commonly used. Such indispensable words and phrases are set in bold type, and the term and its definition have been placed in the margin. A full glossary with definitions of all terms is located at the back of the book.
- **Graphics:** We have created tables and figures that clarify and enliven information so that it can be perceived easily and grasped accurately. For this eleventh edition, tables and figures have been fully updated wherever possible.
- **Photographs:** The eleventh edition contains an enlarged program of dynamic photographs spread throughout the book. These reveal many aspects of corrections ordinarily concealed from the public eye. The photographs provide students with a real view of correctional policies and practices.
- **Other student aids:** The beginning of each chapter includes an outline of the topics to be covered, followed by a set of learning objectives. These tools are designed to guide students as they progress through the chapter. Many chapters also offer brief biographies of people who have made an impact on the field of corrections. At the end of each chapter, students can find a summary keyed to the learning objectives, a list of any key terms presented in the chapter, discussion questions, and suggestions for further reading.

Other Changes in the Eleventh Edition

As textbook authors, we have a responsibility to present current data, provide coverage of new issues, and describe innovative policies and programs. Toward this end we have completely updated and rewritten this edition, line by line. We have been assisted by the comments of an exceptionally knowledgeable team of reviewers who pointed out portions of the text that their students found difficult, suggested additional topics, and noted sections that should be dropped. Among the new or expanded topics found in this eleventh edition are the following:

- **Death penalty:** Public support for the death penalty is declining, partly because the regular exonerations of people on death row erode public confidence in the accuracy of death penalty verdicts. Juries in many states now seem to prefer life imprisonment without the possibility of parole. Still, 2013 saw 39 executions. But problems with the death penalty, among them difficulties with lethal injection, effectiveness of counsel, execution of the mentally ill, execution for child rape, and erroneous convictions (issues examined in Chapters 4 and 20), mean that an ever-increasing number of death row inmates are ultimately released from incarceration. The death penalty continues to provide a major source of debate among legislators, scholars, and correctional officials.
- **Incarceration trends:** After rising almost continuously for the past four decades, incarceration rates have dropped over the last three years. This seems not to be related to a sudden drop in violent crime—which for many years has been at 1973 levels—but rather because of doubts about the wisdom of mass incarceration and budgetary pressures at all levels of government. In many states, prisons have been closed, and judges are under

pressure to incarcerate fewer felons. One result is that parole is having to deal with higher supervision caseloads.

- **Reentry:** Each year more than 700,000 offenders are released from prison and returned to their communities. Disturbingly, the largest group of new admissions to prison in some states is made up of recidivists. A concerted effort by liberal and conservative policy makers alike is now focused on ways to reduce recidivism. Assisting felons in the reentry process has become a major focus of correctional policy, and a plethora of new programs are being proposed to make reentry more successful. The problems encountered by parolees as they adjust to the community are dealt with extensively in Chapters 15 and 16.
- **Evidence-based practice:** There has been a growing movement for “evidence-based” practice in dealing with those under community supervision. Probation and parole officers are encouraged to make decisions based on methods that have been shown to be effective by well-designed research methods. Public statements by U.S. Attorney General Eric Holder and the development of programs within the U.S. Justice Department’s Office of Justice Programs have spurred this thrust. The Justice Department maintains a website called “Crime Solutions” that contains information and research on “what works” for all aspects of the criminal justice system.
- **Correctional law:** Although the federal courts continue to practice a “hands-off policy” when it comes to prisons, the state of California is still wrestling with the U.S. Supreme Court’s order to fix overcrowding problems. New to Chapter 5 is an expanded discussion of *Brown v. Plata* and the steps taken by the California government to ensure that its prisons do not violate the Eighth Amendment’s prohibition against cruel and unusual punishment.
- **Incarceration of women:** Reflecting important new research on the impact of maternal incarceration on children, correctional administrators have revisited the importance of programs for women. In particular, several states have devised programs to provide opportunities for women to maintain contact with their children. Chapter 12 describes the “Moms and Babies” program at an Illinois prison.
- **Privatization:** Since the advent of private prisons in the 1970s, questions have been raised about whether they are more cost-effective than public prisons. Until recently, research on this question has been lacking. As states deal with severe budgetary problems, the future of private prisons remains uncertain. However, the privatization movement has now carried over into nonprison areas, with proposals for private contracts for community-based correctional methods. Chapter 21 discusses the advent of social impact bonds, which attempt to create fiscal incentives for privately funded innovation in corrections.
- **Corrections as a profession:** With all these changes in correctional policy and practice, there is a need for a “new correctional professional.” Throughout the chapters of this book we describe the challenges that the changes in corrections pose for people who work in the field, and we offer new ideas about the skills and knowledge that correctional professionals will have to bring to their work in order to be successful.

Ancillary Materials

A number of supplements are provided by Cengage Learning to help instructors use *American Corrections* in their courses and to aid students in preparing for exams. Supplements are available to qualified adopters. Please consult your local sales representative for details.

To access additional course materials, please visit www.cengagebrain.com. At the CengageBrain.com home page, search for the ISBN of your title (from the back cover of your book), using the search box at the top of the page. This will take you to the product page where these resources can be found.



For the Instructor

MindTap for *American Corrections* MindTap from Cengage Learning represents a new approach to a highly personalized online learning platform. A fully online learning solution, MindTap combines all of a student's learning tools—readings, multimedia, activities, and assessments—into a singular Learning Path that guides the student through the curriculum. Instructors personalize the experience by customizing the presentation of these learning tools for their students, allowing instructors to seamlessly introduce their own content into the Learning Path via “apps” that integrate into the MindTap platform. Additionally, MindTap provides interoperability with major Learning Management Systems (LMS) via support for open industry standards and fosters partnerships with third-party educational application providers to provide a highly collaborative, engaging, and personalized learning experience.

Online Instructor's Resource Manual and Lesson Plans for *American Corrections* Revised to reflect new content in the eleventh edition, the manual includes learning objectives, key terms, a detailed chapter outline, a chapter summary, lesson plans, discussion topics, student activities, “What If” scenarios, media tools, and a sample syllabus. The learning objectives are correlated with the discussion topics, student activities, and media tools.

The expanded test bank includes 30 percent more questions than the prior edition. Each chapter of the test bank contains questions in multiple-choice, true/false, completion, essay, and new critical-thinking formats, with a full answer key. The test bank is coded to the learning objectives that appear in the main text and includes the section in the main text where the answers can be found. Finally, each question in the test bank has been carefully reviewed by experienced criminal justice instructors for quality, accuracy, and content coverage so instructors can be sure they are working with an assessment and grading resource of the highest caliber.

Cengage Learning Testing Powered by Cognero This assessment software is a flexible, online system that allows you to import, edit, and manipulate test-bank content from the *American Corrections* test bank or elsewhere, including your own favorite test questions; create multiple test versions in an instant; and deliver tests from your LMS, your classroom, or wherever you want.

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

For the Student

MindTap for *American Corrections* MindTap from Cengage Learning represents a new approach to a highly personalized online learning platform. A fully online learning solution, MindTap combines all of a student's learning tools—readings, multimedia, activities, and assessments—into a singular Learning Path that guides the student through the curriculum. Instructors personalize the experience by customizing the presentation of these learning tools for their students, allowing instructors to seamlessly introduce their own content into the Learning Path via “apps” that integrate into the MindTap platform. Additionally, MindTap provides interoperability with major Learning Management Systems (LMS) via support for open industry standards and fosters partnerships with third-party educational application providers to offer a highly collaborative, engaging, and personalized learning experience.

Acknowledgments

In writing this eleventh edition of *American Corrections*, we were greatly assisted by people who merit special recognition. Instructors and students who used prior editions were most helpful in pointing out strengths and weaknesses; we took their comments seriously and hope that new readers will find their educational needs met more fully. We also gratefully acknowledge the valuable contributions of the following reviewers:

Anthony DiSomma, Heald College
Peter Kratcoski, Kent State University
Scott Little, Heald College
Julie Molloy, Virginia Union University
Darius Williams, Rasmussen College

We have also been assisted in writing this edition by a diverse group of associates. Chief among them is Carolyn Henderson Meier, Senior Product Manager, who supported our efforts and kept us on course. Margaux Cameron, Associate Content Developer, reviewed our efforts and made important suggestions in keeping with the goals of this revision. Kara Kindstrom, Senior Marketing Manager for Criminal Justice, has skillfully guided the presentation of *American Corrections*, eleventh edition, to faculty and students. The project has also benefited much from the attention of Christy Frame, Senior Content Project Manager. The talented Brenda Carmichael of Lumina Datamatics designed the interior of the book. Many other people worked hard on the production of the eleventh edition of *American Corrections*, including production supervisor Greg Hubit, copy editor Donald Pharr, and proofreader Debra Nichols. Ultimately, however, the full responsibility for the book is ours alone.

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American Corrections

PART ONE

The Correctional Context

Part 1 of *American Corrections*—“The Correctional Context”—describes the corrections system, its history, the way offenders are punished, the law as it relates to prisoners and correctional officials, and the clients of corrections. As you study these chapters, consider the new ideas for sentencing reform offered by Marc Mauer. What do you think these reforms might accomplish? What are some of the difficulties that must be overcome for these reforms to be put in place?

GUEST PERSPECTIVE

Assessing the Current State of Criminal Justice Reform

MARC MAUER

Executive Director, The Sentencing Project

In 2012 the Bureau of Justice Statistics reported that state prison populations had declined for the third straight year. Notably, this development came after nearly four decades of record prison expansion that had seen the total incarcerated population in the United States grow from 300,000 to 2.2 million. The recent reductions in the prison population are a product of several factors, including declines in crime, fiscal imperatives facing state governments, and growing policy-maker interest in evidence-based sentencing and correctional initiatives. Although these developments have the potential to challenge the world-record rate of incarceration in the United States, it remains to be seen whether the change in the political climate on these issues is significant enough to produce substantial long-term reductions in imprisonment.

Changes in sentencing and correctional policy can be traced back to the late 1990s, a moment when the emerging concept of “reentry” first gained attention. Based on the simple premise that 95 percent of the people in prison will one day come home, the idea quickly gained traction and has now come to be broadly embraced by corrections systems around the country. Coincident with those developments came a



Courtesy of Marc Mauer

growing critique of the law enforcement focus of the “war on drugs,” and in particular the dramatic rise in incarceration of individuals convicted of lower-level involvement in the drug trade. This led to growing public support for a range of

CHAPTER 1

The Corrections System

CHAPTER 2

The Early History of Correctional Thought and Practice

CHAPTER 3

The History of Corrections in America

CHAPTER 4

The Punishment of Offenders

CHAPTER 5

The Law of Corrections

CHAPTER 6

The Correctional Client

diversion and treatment options, most notably the drug court movement, now with some 2,500 such programs nationally.

Policy change in the area of sentencing has been slower to develop but has made significant strides in recent years. At the federal level the notorious sentencing disparity between crack cocaine and powder cocaine offenses was substantially reduced with bipartisan support in Congress in 2010. Similarly, New York's "Rockefeller Drug Laws," a forerunner of the mandatory sentencing movement, were significantly scaled back in 2009, as was California's "three strikes and you're out" policy through a ballot initiative in 2012.

Significant as these changes are, they have still had only a modest impact on the scale of mass incarceration. The U.S. rate of incarceration remains at five to eight times that of other industrialized nations. Although many factors contribute to this situation, a key issue regards the severity of sentences. Persons sentenced to prison for both property and violent crimes spend considerably more time behind bars than in comparable nations. This has led to a situation where 159,000 people—one of every nine people in prison today—are serving a life sentence, and nearly a third of them have no possibility of parole. Such sentences are both costly and contribute little to public safety. Research has demonstrated that excessively lengthy sentences provide little additional deterrent effect and have a diminishing impact on public safety as individuals age out of crime.

What would it take to achieve a substantial and sustainable reduction in the use of imprisonment in the United States? Continuing the momentum on day-to-day policy and practice changes is clearly important. This includes such initiatives as enhancing the diversion potential of drug and mental health treatment programs, establishing sentence-reduction incentives for program participation in prison, and providing a range of graduated sanctions to reduce the numbers of people sent back to prison for technical parole violations.

But fundamentally, mass incarceration represents the outcome of an enormous imbalance in our approach to producing public safety. Creating safe communities is a complex process, one that involves family support, social networks, economic opportunity, treatment for those in need, and also criminal justice interventions. But in recent decades, political initiatives have championed harsh criminal justice policies, often to the exclusion of these other areas, and particularly in regard to the problems of disadvantaged communities of color. Changing this political environment is therefore key to both reducing mass incarceration and lifting up opportunity for all. The developing concepts of restorative justice and justice reinvestment provide us with the beginning of a framework to shift from punishment to problem solving and from penal institutions to community building. The challenge going forward is to build on these ideas and to create a political dialogue that will enable such concepts to flourish.

CHAPTER 1

The Corrections System



The Texas Legislature has been among the nation's leaders in correctional policy reform.

AP Images/Eric Gay

■ THE PURPOSE OF CORRECTIONS

■ A SYSTEMS FRAMEWORK FOR STUDYING CORRECTIONS

Goals
Interconnectedness
Environment
Feedback
Complexity

■ THE CORRECTIONS SYSTEM TODAY

■ KEY ISSUES IN CORRECTIONS

Managing the Correctional Organization
Working with Offenders
Upholding Social Values

NO STATE HAS BEEN MORE “TOUGH ON CRIME” THAN TEXAS.

For more than 30 years, Texas policy makers have been passing laws to put more people behind bars, pouring more and more money into the prison system in the process. This approach was fueled by a deep strain of political conservatism, and for years there was a bipartisan consensus in Texas that good crime policy required more prisons. The result was a state with one of the highest incarceration rates in the United States and the second-largest prison population after California.

But no more. Today, Texas policy makers have implemented a series of reforms designed to keep nonserious offenders out of prison (see “The Big Four in Corrections” on pages 17–18). These changes are working: Texas is seeing a drop in the number of prisoners to go along with the drop in crime. This year, Texas will actually *close* one prison,¹ while another one stands empty.² Contrary to what might be assumed, these reforms have been led by political conservatives, not liberals.

The changes in Texas are not unusual. Political leaders all over the country, once the loudest voices for ever-tougher penal policies, are suddenly instead looking for ways to control the cost of the corrections system.³ This pattern is true in traditionally conservative states, such as South Carolina, which passed a host of sentencing reforms in 2010 that would place more people convicted of nonviolent crimes in community-based and treatment programs. It is also true in more-liberal states such as Michigan, which used a series of legal and policy changes to reduce the prison population by 12 percent and closed more than 20 prisons.⁴ Last year, in fact, more than half the states in the United States had *actual reductions* in the number of prisoners;⁵ a recent report said that in the last two years, 15 states have closed a total of 35 prisons, reducing prison capacity by almost 30,000.⁶ Almost half of Americans now believe that this country has too many prisoners.⁷ Something is indeed changing in U.S. penal policy.

These changes come after nearly *four decades* of uninterrupted prison growth (see “The Great Experiment in Social Control” on pages 6–7). The scope of America’s long-term commitment to a big corrections system has been described as one of the greatest policy experiments in modern history. In 1973 the prison incarceration rate was 96 per 100,000 Americans. For 38 consecutive years since then, the number of prisoners has increased—during periods when crime went up, but also during periods when crime declined; during

LEARNING OBJECTIVES

After reading this chapter, you should be able to . . .

- 1** Describe the range of purposes served by the corrections system.
- 2** Define the systems framework and explain why it is useful.
- 3** Name the various components of the corrections system today and describe their functions.
- 4** Identify at least five key issues facing corrections today.
- 5** Discuss what we can learn from the “great experiment in social control.”



FOCUS ON

CORRECTIONAL POLICY: The Great Experiment in Social Control

Almost half of the members of the current U.S. population, including most of the readers of this book, were born after 1971. For them it is entirely normal to see yearly increases in the number of Americans in prison, in jail, and under correctional supervision. For their entire lives, they have seen corrections grow in good economic times and bad, during periods of rising crime and of dropping crime. This growth trend began with the “baby boom” generation: When Americans born in the decade after World War II hit their twenties and thirties, the peak crime-prone age, they clogged the criminal justice system.

The large and growing correctional populations that seem so normal have not always been so. From 1900 until about 1970, U.S. prison populations were quite stable, hovering between 90 and 120 inmates per 100,000 citizens. After more than 35 years of steady growth, the rate of incarceration is now five times as high as it was in 1973. It has reached its highest point in U.S. history—by most accounts the highest in the world.

We might call this phenomenon the “great experiment in social control,” for it has defined a generation of Americans who have witnessed the greatest expansion in government control ever undertaken by a democratic state. Researchers have tried to explain the sources of this growth. Some of it stems from increases in crime, but most of this crime growth occurred during the first half of the “experiment.” Some is because of increased effectiveness at apprehending, arresting, and convicting criminals. But this aspect of the “experiment” is minor compared with changes in punishment policy. In the United States the chances of a felon getting a prison sentence instead of probation have increased steadily for

several decades, to the point where the chance of getting a probation sentence is now a fraction of what it used to be.

Therefore, more people are going to prison, and they are serving longer terms as well. Further, the strictness of postrelease supervision has also increased so that more probationers than before are being sent back to prison because of a failure to abide by strictly enforced rules. This triple whammy—less probation, longer prison terms, and stricter postsentencing supervision—has fueled a continuing increase in correctional populations, especially prison populations, even when crime rates are dropping.

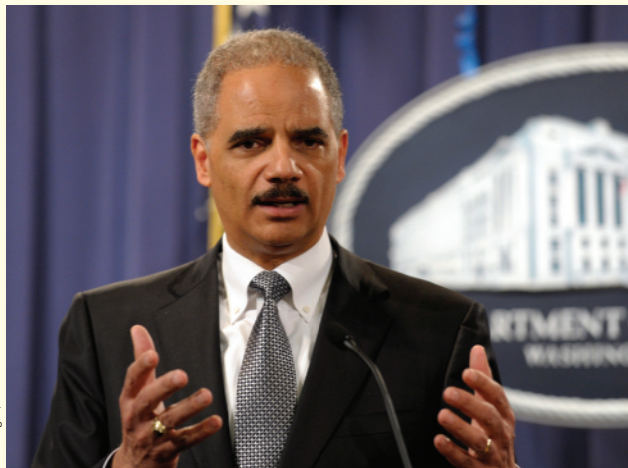
Some scholars have tried to explain the unprecedented punitiveness of the late-twentieth-century U.S. policy (see “For Further Reading” on page 27). They discuss the importance of U.S. politics and culture, and they expressly point to the effects of two decades of the “war on drugs.” Yet *why* this punitiveness occurred is far less interesting than *what* its results have been. Over the coming years, researchers, scholars, and intellectuals will begin to try to understand what we have learned from this great experiment.

The effects of this experiment in social control fall into three broad categories: its effects on crime, on society, and on the pursuit of justice. First, and most important, how has the growth of corrections affected rates of crime? Because so many factors affect crime, we cannot easily distinguish the effects of a growing corrections system from those from other factors, such as the economy or times of war. Researchers who have tried to do so have reached divergent conclusions, but even the most conservative scholars of the penal system now seem to agree that further growth will have little impact on crime.⁸ Others note that because the crime rate today is about the same as it was in the early 1970s, when the penal system began to grow, the corrections system has not likely had a large effect on crime.⁹

Second, there is a growing worry that a large corrections system—especially a large prison system—damages families and communities, and increases racial inequality.¹⁰ For example, more than 1.5 million children have parents in prison, and one in five African American children has a parent who has been to prison.¹¹ How do these experiences affect their chances in life? And what does it mean that more than one in four male African Americans will end up in prison?

Third, how does a large penal system affect the pursuit of justice? Do people feel more confidence in their justice system? Is it right to have people who break the law end up punished the way that America punishes them? In this great experiment in social control, have we become a more just society?

One theme in this book is that things are not as simple as they look. New laws and policies seldom achieve exactly what they were intended to do, and they often have



AP Images/Susan Walsh

▲ *U.S. Attorney General Eric Holder's Department of Justice has been perhaps the most active in pursuing correctional reform over the last 40 years.*

unintended consequences. In this text we explore the most important issues in penology, from the effectiveness of rehabilitation to the impact of the death penalty, with the knowledge that each has more than one side.

We begin with a seemingly simple question: What is the purpose of corrections? In exploring the answer to this question, you will discover a pattern that recurs throughout the book. Any important correctional issue is complicated and controversial. The more you learn about a given issue,

the more you will see layers of truth, so your first findings will be bolstered by evidence and then challenged by further investigation and deeper knowledge.

In the end we think you will see that there are few easy answers but plenty of intense questions. Near the beginning of each chapter we present questions for inquiry that each chapter will explore. We hope that these will help focus your exploration of corrections and serve as a study guide, along with the summary at the end of each chapter.

good economic times and bad; during times of war and times of peace. (See “Myths in Corrections.”) By 2010, the U.S. prison incarceration rate had grown to exceed 500 per 100,000 Americans—more than a five-fold increase—and many people thought that this generation-long trend had become a more or less permanent feature of U.S. penal policy.

During this time period, correctional budgets grew by over 600 percent. The United States now has about 3,100 people on death row¹² and another 159,000 serving life sentences, nearly a third of them ineligible for any parole.¹³ Counting **prisons** and **jails**, almost 2.3 million citizens are incarcerated, making the total incarceration rate of more than 920 per 100,000 citizens, a stunning 1 percent of all adults.¹⁴ When all forms of corrections are taken into account—including probation, parole, and community corrections—nearly 3 percent of all adults are under some form of correctional control.¹⁵ The extensive growth of the correctional population since 1980 is shown in Figure 1.1.

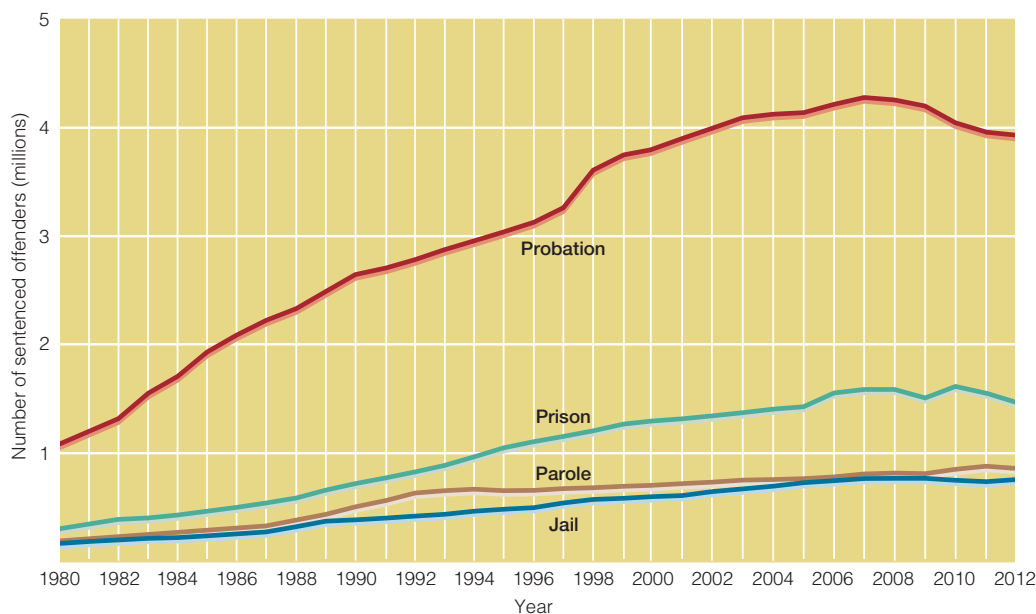


FIGURE 1.1 Correctional Populations in the United States, 1980–2012

Although the increase in prison population receives the most publicity, a greater proportion of correctional growth has occurred in probation and parole.

Sources: Latest data available from the Bureau of Justice Statistics correctional surveys, www.ojp.usdoj.gov: *Annual Survey of Jails*, *Annual Parole Survey*, *Annual Probation Survey*, *National Prisoner Statistics Population Midyear Counts*, *Correctional Populations in the United States, 2012*.

MYTHS in Corrections

High U.S. Crime Rates

THE MYTH: The United States has such a large prison system, compared with the prison systems of other countries, because it has much more crime.

THE REALITY: Compared with the burglary rates of Australia and England, America's is the lowest, and its assault and robbery rates fall in between those of the other two countries. Its incarceration rate is four times higher than that of either country.

Sources: Patrick A. Langan and David P. Farrington, *Crime and Justice in the United States and in England and Wales, 1981–96* (Washington, DC: Bureau of Justice Statistics, 1998); Sentencing Project, *New Incarceration Figures: Growth in Population Continues* (Washington, DC: Author, 2006).

prison An institution for the incarceration of people convicted of crimes, usually felonies.

jail A facility authorized to hold pretrial detainees and sentenced misdemeanants for periods longer than 48 hours. Most jails are administered by county governments; sometimes they are part of the state government.



FOCUS ON

CORRECTIONAL POLICY: If Crime Starts to Rise, Then What?

There are many indications that the corrections system is undergoing historic changes. After nearly four decades of correctional growth in all its sectors—jails, prisons, and the community—the trend line is edging down. There is a political consensus on the left and the right that we have too many people behind bars. A growing movement supports reentry programs to help people succeed after they have been to prison, and policy makers have been expanding treatment alternatives to prison for people convicted of drug crimes.

The impetus for this change comes from several sources. State and local governments are straining to deal with declining revenues, and saving money on corrections is a high priority. A growing literature has questioned the effectiveness of prison, and growing public attention to the problems that people face in reentry has softened attitudes about people with criminal records.

In some ways, the most important trend is that crime has been dropping for about two decades, now less than half of

what it was in the early 1990s. The drop in crime has meant that fear of crime is no longer at or near the top of the list of public concerns, having been replaced by other factors such as the economy and terrorism. This has meant that “tough on crime” no longer has the political credibility it once had and that political leaders now have cover for more-nuanced crime policies.

But what would happen if crime started going up again? Would all of this change? We may be about to find out. The initial FBI Uniform Crime Reports for 2012 show an increase in the amount of crime by just over 1 percent—the first such increase since the early 1990s. This change was concentrated in the western United States, but it has led some observers to worry that it augurs a new trend in overall crime.

If so, what will happen to correctional policy?

Source: Federal Bureau of Investigation, *Preliminary 2012 Crime Statistics* (2013).

Some say that when prison populations grow, crime rates decline, because prisons prevent crime. But between 1973 and the early 1990s, we saw both imprisonment growth *and* increases in crime. Most observers concluded that when more people commit crime, more people end up behind bars. This suggests that as crime declines, so will correctional caseloads. But studies show that, aside from the 1970s, there has been little relationship between the nation's crime rate and the size of its prison population.¹⁶ Since 1990, for example, the swelling prison population seems to be entirely caused by tougher criminal justice policies rather than changes in crime rates.¹⁷

In 2010 the U.S. government announced that for the first time in more than 30 years, the corrections system, including prisons, held fewer people than the year before.¹⁸ And then 2012 marked the third straight year that the prison incarceration rate fell—to 480 per 100,000 from 492 the year before.¹⁹ The number of people in local jails also dropped nearly 2 percent over the three years.²⁰ For the first time in more than a generation, then, it seems that the long-term pattern of correctional growth may be changing. However, it is still too soon to say this with certainty: As recently as 2007, the total incarceration rate grew by 1.5 percent.²¹ (See “If Crime Starts to Rise, Then What?”) And by any measure, the U.S. corrections system has seen a sustained period of remarkable, steady growth for more than a generation. It has been estimated that under these rates, almost 7 percent of people born in 2001 will go to prison at some time during their lives.²² Imagine fourteen friends or relatives; then imagine one of them incarcerated.

Yet there is a glimmer of change, as a new liberal–conservative consensus emerges. A conservative coalition led by former Congressman Newt Gingrich recently produced a series of recommendations about criminal justice reform called *Right on Crime*.²³ A few months earlier, a more liberal coalition of 40 organizations had released its report, called *Smart on Crime*.²⁴ These two groups could be expected to differ on justice priorities, but their reports reflected strong consistencies. Both groups think that most people who

are convicted of nonviolent crimes need not end up in prison. Both groups see a need for expanded treatment programs and strong community-based sentences as options for judges.²⁵ Their views track closely with those found by a national survey recently conducted by the Pew Center for the States.²⁶

This new consensus centers on a growing idea that the penal system, especially prisons, has grown too much. Some believe that “mass incarceration” has become a problem in its own right, but concerns about burgeoning probation caseloads and high jail counts have arisen as well. Both liberals and conservatives rightfully worry that the expansion of corrections has affected some groups more than others. About one-third of all African American men in their twenties are under some form of correctional control. In inner-city areas of Detroit, Baltimore, and Philadelphia, as many as half of this group are under penal supervision. Nearly 12 percent of all African American men 20–40 years old—the age of most fathers—are now locked up. One in six male African Americans has been to prison.²⁷

Both liberals and conservatives also share a concern that the cost of corrections, nearly \$50 billion per year, is out of line. Prison budgets—by far the most expensive portion of the penal system—grow even when monies for education and others services lag.²⁸ Probation caseloads and daily jail populations have also grown, and they cost money, too. With growing public concern about the quality of schools and health care, people of all political persuasions are tempted to ask if so much money is needed for corrections. They are especially leery about continuing to invest in what many political leaders, especially conservatives, see as a system that is not as effective as it ought to be.²⁹

Corrections, then, is a topic for public debate as never before. A generation ago, most people knew very little about corrections. Prisons were alien “big houses,” infused with mystery and located in remote places. The average American had no direct knowledge of “the joint” and no way of learning what it was like. Most people did not even know what probation and parole were, much less have an opinion about their worth. However, more than 6.9 million Americans are now in the corrections system. Of today’s men in their thirties, almost 1 in 28 has been to prison; if current patterns continue, 11 percent of male children born this year (a third of male African Americans born this year) and 2 percent of female children will go to prison.³⁰ Add to these numbers the impact on fathers and mothers, brothers and sisters, aunts and uncles, and husbands, wives, and children, and you have an idea of how pervasive corrections is today—especially for poor Americans and people of color.

Further, crime stories dominate our news media. Read any local newspaper or watch any local nightly newscast, and you will encounter a crime story that raises questions about corrections: Should the offender have been released? Is the sentence severe enough? Should laws for this type of crime be tougher? In short, corrections now maintains a profound place, not only in the public eye, but also in the public experience. But are the images we form—based on media reports and our own experiences—accurate? Do they tell us all we need to know about corrections?



Christian Science Monitor/Getty Images

▲ One out of every 43 Americans is under some form of correctional control. Most of them live among us in the community.