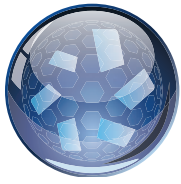




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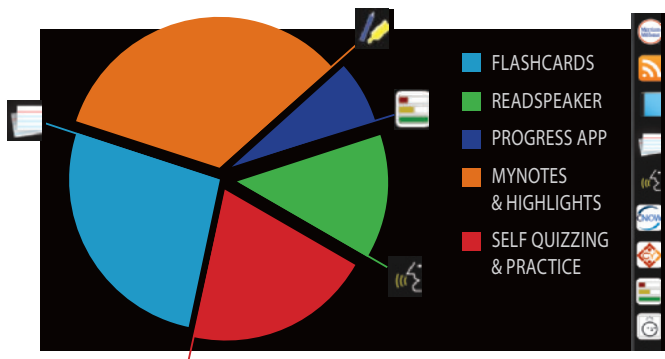
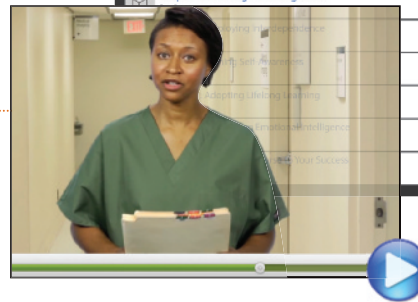
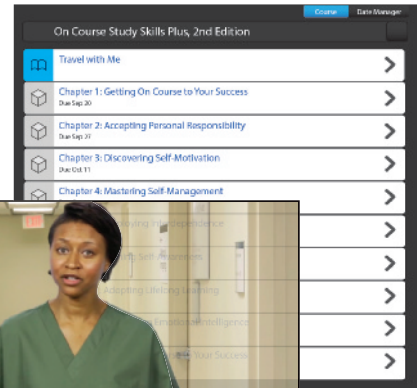
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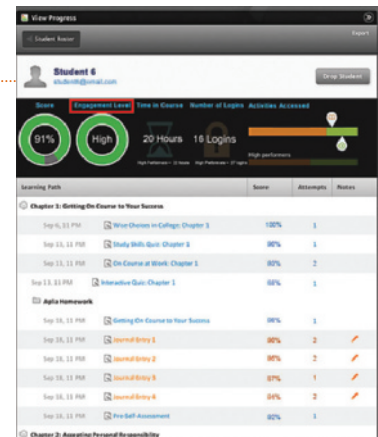


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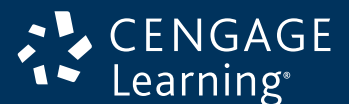
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# CORRECTIONS TODAY



# CORRECTIONS TODAY

THIRD EDITION

**LARRY SIEGEL**

*University of Massachusetts, Lowell*

**CLEMENS BARTOLLAS**

*University of Northern Iowa*



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**Larry Siegel and Clemens Bartollas**

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Lumina Datamatics  
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Lumina Datamatics  
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This book is dedicated to my children, Eric, Andrew, Julie, and Rachel,  
and to my grandchildren, Jack, Kayla, and Brooke. It is  
also dedicated to Jason Macy (thanks for marrying Rachel) and  
Therese J. Libby (thanks for marrying me).

—LJS

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

—CB





# LIST OF CONTRIBUTORS

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

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



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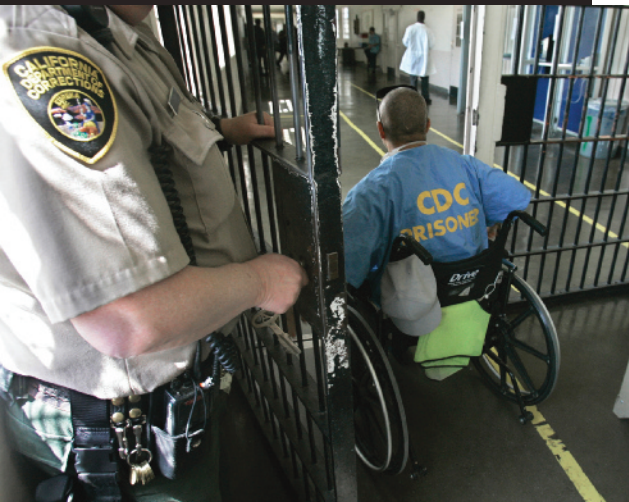
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# PREFACE

In 1999, Clayton Lockett and two other men drove to the Perry, Oklahoma, home of Bobby Lee Bornt, 23, who owed Lockett money. Bornt was tied up and beaten. During the assault, two young women happened to show up to see their friend, Bobby. They were pulled into the house, beaten, and bound. One of the women was raped by all three men, and then all three were driven to rural Kay County, where Lockett told the captives he was going to kill them all. He told one of the women, Stephanie Neiman, to get out of the pickup, and then shot her twice when she failed to give him her keys. The men dug a grave for Neiman and buried her while she was still alive. The other two women were left alive.

Lockett was arrested, convicted, and sentenced to death. He remained an anonymous death row inmate until April 29, 2014, when he was put to death. It was his bungled execution that brought attention to the case. His drug cocktail did not work, and he gasped and struggled in full view of observers as the lethal injection entered his veins; authorities quickly closed the curtains on the death chamber. Though he was unconscious 10 minutes after receiving the drug cocktail, Lockett's death via a heart attack happened 43 minutes after the drugs began flowing. A few days later Oklahoma's attorney general agreed to a six-month stay on new executions as the death process was evaluated.

The Lockett case illustrates why corrections is such a salient and important topic in contemporary criminal justice. While Lockett was hardly a sympathetic character, a rapist and career criminal who callously killed a young woman merely because she did not give him her car keys, his cruel execution brought outrage to those who oppose the death penalty. Who is correct? Those who seek legal vengeance for an unthinkable crime, or those who believe that the death penalty is both archaic and cruel? Should Lockett have spent the rest of his life in prison? And could someone like him ever be successfully rehabilitated? What is the proper course to take? After all, thousands of people are convicted of murder each year, but only a handful are executed. How can we fairly decide who is to live and who is to die? These are some of the dilemmas facing the contemporary correctional system.

## GOALS AND OBJECTIVES

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



in corrections, we strive to provide the type of context and concrete illustration that makes such material meaningful and relevant to the career-minded student.

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

- **It is realistic.** We conducted a “reality check” by conducting interviews with “spokespersons” for corrections: probationers, inmates, parolees, correctional personnel, and correctional administrators. We constantly asked them: Is this the way it is? Is this a fair assessment? Do we have it right?
- **It is research oriented.** We include the most recent studies of corrections and have tried to explain findings in a user-friendly way aimed at increasing student interest—resulting in a book that is briefer but no less academically sound than more encyclopedic texts.
- **It emphasizes evidence-based research findings.** In nearly every chapter, we include studies of evidence-based research findings. For example, in Chapter 9 we explore the existing evidence on wrongful convictions in order to help students understand how often miscarriages of justice actually occur and how many people are wrongfully convicted each year.
- **It also emphasizes the expanding role of technology in the field.** Unique “TechnoCorrections” boxes spotlight the use of cutting-edge technology to supervise offenders in the community and in correctional institutions—providing an essential and compelling look at a major emphasis in corrections today.
- **It does not pull punches.** In nearly every chapter, there is an evaluation of what is taking place in the correctional system today, where the problems lie, and what can be done to correct them.
- **It focuses on how to become a corrections professional.** Our goal is to help students with career choices and explore what careers are out there in the correctional system. We feature numerous interviews with practicing professionals as well as interviews with correctional clients to get their take on what works and what does not. And for the Third Edition we have added a comprehensive new chapter on careers and professionalism in corrections.
- **It is hopeful.** Time after time in this text, those who work in the field remind students that corrections has been a very positive and fulfilling career for them, that they feel they have made a difference, and they invite students to join them on this exciting journey.

## ORGANIZATION OF THE TEXT

This text has 15 chapters. Parts I and II of the text set out to address the key questions of why and how we punish. Part III introduces students to the increasingly important world of community corrections. Part IV addresses institutional corrections. Rehabilitation in corrections is the focus of Part V of the text. Part VI addresses special populations in corrections. Finally, Part VII looks at careers in corrections.

**CHAPTER 1, THE CORRECTIONAL SYSTEM**, covers the goals and philosophy of punishment as well as the history of punishment from the Code of Hammurabi through the Enlightenment through the origins of American corrections up to the twentieth century, and concludes with a discussion of the corrections system today, including the extent and consequences of prison overcrowding, the cost of corrections, and what it means to be a professional in corrections.

**CHAPTER 2, SENTENCING AND THE CORRECTIONAL PROCESS**, focuses on *how* we punish—discussing the basic goals and philosophy of sentencing, the various types of sentencing and sentencing guidelines, three-strikes laws, and truth-in-sentencing.

**CHAPTER 3, COMMUNITY CORRECTIONS: DIVERSION AND PROBATION**, begins by explaining diversion and diversionary programs, considers community corrections legislation, and then focuses on probation services.

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

**CHAPTER 5, JAILS AND HOUSES OF CORRECTION**, offers comprehensive coverage of the jail from its origins through the various generations of jail supervision, as well as issues concerning jail confinement, such as overcrowding, violence, and suicide.

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

**CHAPTER 7, THE PRISON EXPERIENCE: MALES**, focuses on the changing social structure of men's prisons, including gangs, racial tensions, contraband, violence, and sex in prison.

**CHAPTER 8, THE PRISON EXPERIENCE: FEMALES**, identifies the differences between men's and women's prisons when it comes to social structure, focuses on issues such as motherhood, health concerns, and sexual abuse, and discusses professionalism among workers in women's prisons.

**CHAPTER 9, PRISONERS' RIGHTS**, identifies what First, Fourth, Eighth, and Fourteenth Amendments substantive rights have been awarded to inmates and addresses the consequences of the Prison Litigation Reform Act on prisoners' rights.

**CHAPTER 10, CORRECTIONAL PROGRAMS AND SERVICES**, looks at the role of treatment and services in prisons today, discussing the classification for treatment, individual-level treatment programs, group programs, and inmate self-help programs.

**CHAPTER 11, PAROLE AND RELEASE TO THE COMMUNITY**, examines parole practices today, how the parole board functions, the various roles of parole officers, the legal rights of parolees, and the problems faced by ex-offenders returning to the community.

**CHAPTER 12, SPECIAL PRISON POPULATIONS**, reviews three categories of inmates who pose particular challenges to correctional administrators and who face challenges themselves in adjusting to prison environments: **special offense inmates**—inmates with substance abuse histories, sex offenders, and terrorists; **special needs inmates**—HIV inmates and inmates with chronic mental health issues; and **special population inmates**—elderly inmates and inmates who are illegal immigrants.

**CHAPTER 13, CAPITAL PUNISHMENT AND THE DEATH ROW INMATE**, examines the status of the death penalty today, its legality and role in contemporary society both nationally and internationally, and describes the positions and responsibilities of those working on death row.

**CHAPTER 14, THE JUVENILE OFFENDER**, looks at the juvenile offender as he or she is processed through the juvenile justice system and then considers the transfer of juveniles to adult court and the placement of juveniles in boot camps and adult prisons.

**CHAPTER 15, PROFESSIONALISM AND CAREERS IN CORRECTIONS**, considers how far professionalism has brought corrections, the various corrections careers, the advantages of a corrections career, the challenges it presents, and the reasons why internships make sense to those considering working in corrections.

## WHAT IS NEW IN THE THIRD EDITION

**NEW CAPSTONE CHAPTER ON PROFESSIONALISM AND CAREERS IN CORRECTIONS.** Chapter 15 is an entirely new chapter in which we inform students of the many career opportunities available in the field of corrections. We define professionalism and the need for it, and discuss how far professionalism has brought corrections today. We describe the various career paths and why corrections is a promising career. We provide detailed information about requirements and qualifications, what it's like to work in corrections, earning potential, benefits, hiring, and training, as well as the challenges of a career in corrections. Finally, we explain why an internship in corrections would benefit the student who is interested in a corrections career.

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

Marginal **For Group Discussion** activities have been added to each section of the text to facilitate critical thinking and group discussion. All are keyed to the chapter's learning objectives.

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

## CHAPTER-BY-CHAPTER CHANGES IN THE THIRD EDITION

**CHAPTER 1** begins with a new opener on the Boston Marathon bombing in 2013. There is a new Careers in Corrections feature provided by Christopher B. Epps, commissioner of the Louisiana Department of Corrections. The chapter has been reorganized, beginning with expanded coverage of history at the beginning of the chapter, followed with the philosophies and goals of punishment, and concluding with the overview of corrections within the criminal justice system. There is expanded text on the Code of Hammurabi and a new exhibit on the theoretical constructs of the classical school of criminology, as well as a new exhibit on the positivist school. Moreover, the history section has been expanded to include more on the development of twentieth century corrections, including the rise of modern management, increased use of technology, turning increasingly to privatization, and the industrial era. Beginning in this chapter and extending throughout the manuscript, all the figures have been updated, whenever possible, and the most recent citations have been used.

**CHAPTER 2** begins with a new opener featuring former New England Patriots tight end Aaron Hernandez. The Voices Across the Professions feature is new, contributed by federal Judge Paul A. Magnuson. Bail and pretrial, which had previously been in the jail chapter, have been moved to this chapter. The section on three-strikes laws has been expanded. A brief discussion has been included indicating how state legislatures can further dilute sentencing in the process of relieving prison overcrowding. A new

exhibit has been included comparing determinate and indeterminate sentencing. And a new Careers in Corrections box on the pretrial officer has been included, featuring Jennifer Wyatt Bourgeois.

**CHAPTER 3** has an updated timeline, and an exhibit has been added outlining the categories and duties of probation officers. Another new exhibit shows the differences between probation and parole. A new Careers in Corrections box contributed by Manny Jaquiss, probation supervisor in Tampa, Florida.

**CHAPTER 4** now more clearly defines the concept of intermediate sentencing. The section on drug courts has been expanded. Discussions of other types of specialized courts have been added. An exhibit featuring Curt's Café is new to the chapter. This nonprofit restaurant is an example of a successful restorative justice program, hiring at-risk young adults, particularly those with criminal records, and providing them with job training and work experience. A new Voices Across the Professions box, with James M. Higgins, features substance abuse counseling and Julie Fox adds a Careers in Corrections box on substance abuse counseling.

**CHAPTER 5** has been thoroughly revised and expanded from the previous edition. It has a new chapter opener showing how Tavon White, a leader of the Black Guerilla Family, spearheaded jail corruption in Baltimore, Maryland. The chapter has expanded coverage on the functions of jails, it discusses the diversity of jails, and has an expanded section on the types of inmates in jail. A new exhibit on the four generations of jails compares the types of supervision in each. The sections on jail programs, jail suicides, and mental health issues in jails have been expanded, with new exhibits on mental health issues at the Cook County Jail, and suicide prevention in local jails. A new Careers in Corrections box on the jail officer has been added, which features Gina Curcio, who worked at the House of Corrections in Middleton, Massachusetts.

**CHAPTER 6** has a new opener on the closing of the notorious Tamms Correctional Center, a supermax prison in Illinois. The chapter also has a new Voices Across the Profession box featuring Kent Grandlienard, warden of the Oak Park Heights Supermax prison in Minnesota. A new exhibit showing the differences between men's and women's prisons is included in this chapter.

**CHAPTER 7** is another chapter that is greatly revised. It includes a new case study of an offender going through the inmate classification process, including the indicators and characteristics that affect how a new inmate is housed and treated. The discussion of mental health services in prison is expanded. In the section on women officers in men's prisons, a brief mention of several court cases is included. There is also a Correctional Life quote from an inmate who was sexually victimized. The Voices Across the Profession and Careers in Corrections boxes in this chapter are contributed by Barbara Casey, who tells of the particular challenges presented to women working as correctional officers in a men's prison.

**CHAPTER 8** has a new discussion of the gender differences in classification, and has expanded coverage of programs and services in women's prisons, including court cases challenging gender differences in prison programs. There is an expanded discussion of sexual abuse in women's prisons, especially by other female inmates. The section on prison health care for women has been further expanded as well.

**CHAPTER 9** has a new Voices Across the Professions contributed by Dr. Allen Ault, former commissioner of corrections in Colorado, Georgia, and Mississippi. It also now includes a brief discussion of the least eligibility principle. Several cases are updated, and a new exhibit explains Section 1983 of the federal code.

**CHAPTER 10** has an expanded section on inmate self-development programs, and also includes an expanded section on prison industries, including federal laws related to prison industry. There is a new Careers in Corrections box contributed by Cathy Fontenot, assistant warden for programming at the Louisiana State Penitentiary, Angola.

**CHAPTER 11** includes a new exhibit on the Irish mark system, updated parole statistics, and a more thorough discussion of the parole board role in contemporary corrections. We have expanded our comparison of standard and special conditions of parole. A Correctional Life box tells a parolee's success story. Technical violations and parole revocations are further given greater attention.

**CHAPTER 12** has a new discussion of the impact of Megan's Law. The section on chronic mentally ill inmates has been revised and expanded. And there is a new Careers in Corrections box on the forensic psychologist, contributed by Michael H. Fogel.

**CHAPTER 13** has a new opener that discusses the case of Anthony Sowell, a serial murderer from Cleveland, Ohio. There is a brief discussion of the impact of capital punishment on non-death row inmates, an exhibit comparing the death penalty policies by state has been updated, and there is a new section on death penalty and female offenders, including an exhibit on women who have been executed since the death penalty was reinstated in 1976.

**CHAPTER 14** updates the discussion of sentencing practices in juvenile court, including determinate sentencing, mandatory sentencing, and blended sentencing. There is a new Careers in Corrections box provided by Jim Redmond, a therapist in a juvenile residential facility in Minnesota.

**CHAPTER 15** is an entirely new chapter on professionalism and careers in corrections. The opener tells of a woman prisoner who became a dog handler in prison and went on to become a corrections professional, training service dogs to help inmates and people with disabilities. We wrote a new Evidence-Based Corrections feature for this chapter that reviews the application and success of a structured training program for probation officers. There are discussions on why a career in corrections is beneficial, the variety of career paths in corrections, what is it like to work in corrections, and the challenges of working in corrections. The importance of internships in corrections is also discussed in this new chapter.

## LEARNING TOOLS

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

**VOICES ACROSS THE PROFESSION** Each chapter has at least one Voices Across the Profession feature in which real-world professionals share their first-hand experiences and give students a concrete view of what it's like to work in a variety of corrections careers.

**CAREERS IN CORRECTIONS** Throughout the book, we highlight a variety of careers in corrections by giving students “snapshots” of individuals who work in corrections. In their own words, corrections professionals talk about the challenges and rewards of a career in corrections.

**CORRECTIONAL LIFE** This feature looks at the experiences of probationers, inmates, and parolees in their own words, describing life inside correctional institutions. The purpose is to bring the reader as close as possible to what life is like behind the walls: What are the problems? How do they cope? What is it really like living on death row? How do parolees/probationers make it in the community? For this edition we have expanded these perspectives to include more insider perspectives from a variety of individuals involved in the correctional system, from offenders to victims, staff, and families of offenders.

**EVIDENCE-BASED CORRECTIONS** This box focuses on policies and practices that are supported by research, a key driver in the field today, as underscored by several of the professionals interviewed for our Voices feature when they comment that they are expected to use evidence-based practices to justify the efficacy of the programs they implement. We include critical thinking and writing activities, which are new to this edition.

**TECHNOCORRECTIONS** These boxes spotlight the use of cutting-edge technology to supervise offenders in the community and in correctional institutions. In Chapter 4, a TECHNOCORRECTIONS feature entitled “EM and GPS Systems in the Community” discusses the use of electronic monitoring systems, including a program at Bryan Adams High School in East Dallas, Texas, that monitors students who have been chronically truant. New to this edition, we now include critical thinking and writing activities in each of our boxed features.

**THINKING LIKE A CORRECTIONS PROFESSIONAL** These boxes give students an opportunity to make a decision on how they think a corrections professional would handle a particular situation. Many of these features represent actual situations that have taken place, while others are possible scenarios.

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

**END-OF-CHAPTER REVIEW** Includes a chapter summary linked back to the chapter-opening learning objectives and a set of critical thinking questions designed to help students think critically about the material.

## ANCILLARY MATERIALS

A number of supplements are provided by Cengage Learning to help instructors use *Corrections Today* 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](http://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.

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**MINDTAP CRIMINAL JUSTICE** 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.

**INSTRUCTOR’S RESOURCE MANUAL WITH LESSON PLANS AND TEST BANK** includes learning objectives, key terms, a detailed chapter outline, a chapter summary, lesson plans, discussion topics, student activities, “What If” scenarios, media tools, a sample syllabus, and an expanded test bank with 30 percent more questions than the prior edition. The learning objectives are correlated with the discussion topics, student activities, and media tools.

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 *Corrections Today* 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.

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

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Many thanks to all.





**Two explosions went off near the finish line of the Boston Marathon on April 15, 2013. Three deaths and more than 260 injuries were reported.**

**Jeff Bauman, who lost his lower legs in the Boston Marathon bombings, rests between occupational therapy sessions at Spaulding Rehabilitation Hospital in Boston. Bauman went to the marathon to see his girlfriend run, but now his supporters are watching his efforts to walk again. How should we punish terrorists who cause havoc and seriously injure and kill multitudes of innocent people? Should they be housed in a prison and subject to the same conditions as someone convicted of selling marijuana?**

## **WHO CAN EVER FORGET THE EVENTS OF APRIL 15, 2013,** when two men, Dzhokhar and

Tamerlan Tsarnaev, set off bombs at the finish line of the Boston Marathon, killing three people, and maiming and injuring many more? The two had conspired for many months to use improvised explosive devices (IEDs) to harm and kill people in the crowds of spectators who were cheering the runners on toward the marathon finish line. The IEDs were constructed from pressure cookers, explosive powder, shrapnel, adhesives, and other items and were designed to shred skin, shatter bone, and cause extreme pain and suffering as well as death.<sup>1</sup>

After carefully poring over footage from surveillance cameras and other sources, on April 18, 2013, the FBI released photographs to the media of the Tsarnaev brothers, identifying them as suspects in the marathon bombings. These photographs were widely disseminated on television and elsewhere, and the brothers must have realized their identification and arrest were imminent. Soon after, the Tsarnaevs, armed with five IEDs, a Ruger P95 semi-automatic handgun, ammunition, a machete, and a hunting knife, drove to the MIT campus, where they shot Police Officer Sean Collier and attempted to steal his service weapon. After killing Officer Collier, the brothers carjacked a Mercedes, and kidnapped the driver and forced him to drive to a gas station, robbing him of \$800 along the way. After the driver managed to escape, the brothers drove the carjacked vehicle to Watertown, Massachusetts. A shootout occurred when city police officers located the pair, during which Tamerlan was injured. To make his escape, Dzhokhar Tsarnaev reentered the carjacked vehicle, drove it directly at the officers, and ran over and killed his injured brother. He then hid in a dry-docked boat in a Watertown backyard until he was spotted by the owner, who called the police. Gravely wounded, he is currently being held pending trial.

Who were these killers? Tamerlan Tsarnaev was born in the Kalmyk Autonomous Soviet Socialist Republic, North Caucasus; Dzhokhar in Kyrgyzstan. Because their father was a Chechen they identified themselves as being of Chechen descent. Though the family prospered in the United States and Dzhokhar attended a state university, they held radical Islamic views and blamed the U.S. government for conducting a war against Islam in Iraq and Afghanistan. Their actions were quickly disavowed by Islamic, Chechen, and other groups that distanced themselves from the atrocity. A prominent Boston mosque condemned the violence and distanced itself from the suspects, refusing to give Tamerlan a Muslim burial (he was later buried in Virginia).

# The Correctional System



Josh Raab/Redux

## LEARNING OBJECTIVES

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

## PREVIEW OF KEY CONCEPTS

corrections	Zebulon Brockway
Code of Hammurabi	reformatory model
monastic confinement	medical model
bridewells	Howard B. Gill
houses of corrections	blameworthy
Charles-Louis de Secondat, Baron de Montesquieu	just deserts
Cesare Bonesana Beccaria	retribution
Jeremy Bentham	general deterrent effect
John Howard	specific deterrence
Alexander Maconochie	incapacitation
Walter Crofton	selective incapacitation
Irish mark system	rehabilitation
penitentiary	evidence-based programs
Eastern State Penitentiary	restorative justice
Pennsylvania model	equity goal of punishment
Auburn cellblock	<i>nolle prosequi</i>
Auburn silent system	mass incarceration
First Correctional Congress	prison-industrial complex
	professionalism

# W

hat should be done with the surviving Tsarnaev brother? He is old enough to face the death penalty for his crimes. But the law frowns upon executing the young, and the Supreme Court has prohibited the execution of teenagers under 18; Tzarnaev was 19 at the time of the bombing.<sup>2</sup> Some reports portrayed him as being led astray by his older brother. Others pointed to a note he penned while he was surrounded by police, saying, “The [Boston] bombings were in retribution for the U.S. crimes in places like Iraq and Afghanistan [and] that the victims of the Boston bombing were collateral damage, in the same way innocent victims have been collateral damage in U.S. wars around the world. . . . When you attack one Muslim, you attack all Muslims.”<sup>3</sup> Should this young killer be spared death? Is that fair to those he killed and those he maimed for life? Should a message be sent that all terrorists, even teenagers, must face the ultimate penalty for their crimes?

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

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

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

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



## THE HISTORY OF CORRECTIONS: FROM VENGEANCE TO REFORM

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

In this chapter, the role of punishment is examined. Throughout history, people have struggled to determine the proper punishment for crime, hoping to find a formula that is neither too harsh nor too lenient. In nearly every age, some people cry out for draconian punishments against criminals while others urge the humane treatment of those who violate the law. The history of punishment and corrections is examined, beginning with the Middle Ages and ending with the development of the correctional system in the United States. Finally, an overview of the correctional system is presented, including critical issues of corrections, and the development of professionalism in the field of correctional service.



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# VOICES

## ACROSS THE PROFESSION

The most important message I can give to anyone working in the field of corrections is to have an internal belief that every day you have the opportunity to make a difference in people’s lives.

**James Bruton**  
Corrections Professional



James Bruton has worked in corrections for more than 35 years, including 14 in correctional facilities, and served as the warden at the Minnesota Correctional Facility, Oak Park Heights, from 1996 to 2001. He is the author of *The Big House: Life Inside a Supermax Security Prison* (Osceola, WI: Voyageur Press, 2004). Here is what he has to say about the field of corrections:

“The most important message I can give to anyone working in the field of corrections is to have an internal belief that every day you have the opportunity to make a difference in people’s lives. In order to be successful in this difficult business, you have to have a dedicated and committed desire to look forward to going

to work, keeping in mind the philosophical belief of making a difference. In conjunction with this mindset, whether you are working in a correctional facility or individually with a client, you must find a way to create an environment conducive to rehabilitation for those offenders who want to make a change in their lives. Your job, along with all of the inherent duties and responsibilities that come with it, is to provide a catalyst for the change in people’s behavior to take place.

“It is important to recognize that the courts administer the punishment to the client. It is not the job of the corrections official to extend the punishment beyond the court’s disposition. With respect to the administration of prisons, this conceptual philosophy is

often misunderstood. The public often is confused and wants standards set both ways. For example, they may want the prison system to expand the punishment with substandard conditions and limited resources for the inmates, and then want the offender to be completely rehabilitated upon release. It quite simply cannot work like that. Keeping in mind that 95 percent of offenders sent to prison will at some point be released, we must find ways for the environment to be filled with incentive-based programming. We must find ways for each inmate to get up every day and look forward to doing something positive and productive. Good behavior will bring about rewards, and negative behavior will result in consequences. This philosophy is effective and it does work.”

James Bruton is saying that the purpose in corrections is not to punish offenders—the courts have already done that—but to suggest that we resolve to go to work each day believing that offenders can change and that we can have an impact on their lives. Bruton is espousing the goal of reform, but, as documented throughout this chapter, the goal of repression has also been a constant theme of corrections.

## Development of Formal Corrections

As states, kingdoms, and empires superseded clan and tribal societies, the state assumed the role of punishing violators of societal norms. For the state to take over private vengeance, it was necessary to formalize the system of government, and written laws accomplished this purpose. The importance of the early codes, or written laws, is that they embodied the customs by which organized societies dealt with violators of the norms of conduct. See the Timeline for the development of corrections from ancient times to the nineteenth century.

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

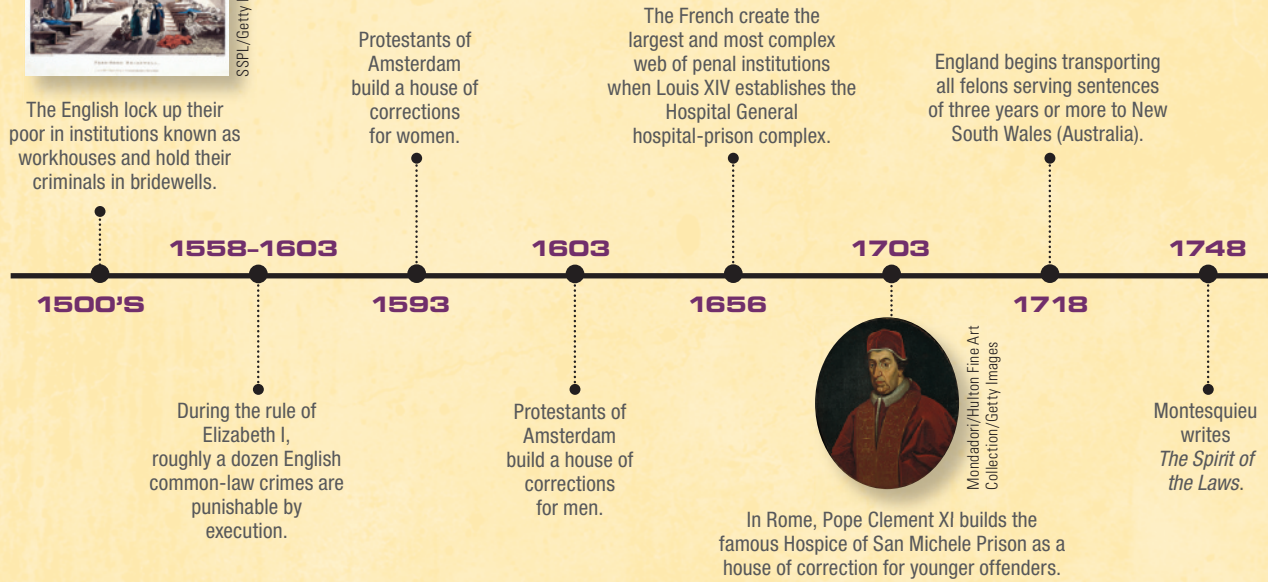
**Code of Hammurabi** Law code issued during the reign of Hammurabi of Babylon. The law of *lex talionis* makes its appearance in this code, one of the first comprehensive views of the law.

## DEVELOPMENT OF CORRECTIONS FROM THE MIDDLE AGES TO THE TWENTIETH CENTURY



SSPL/Getty Images

The English lock up their poor in institutions known as workhouses and hold their criminals in bridewells.



Mondadori/Hulton Fine Art Collection/Getty Images



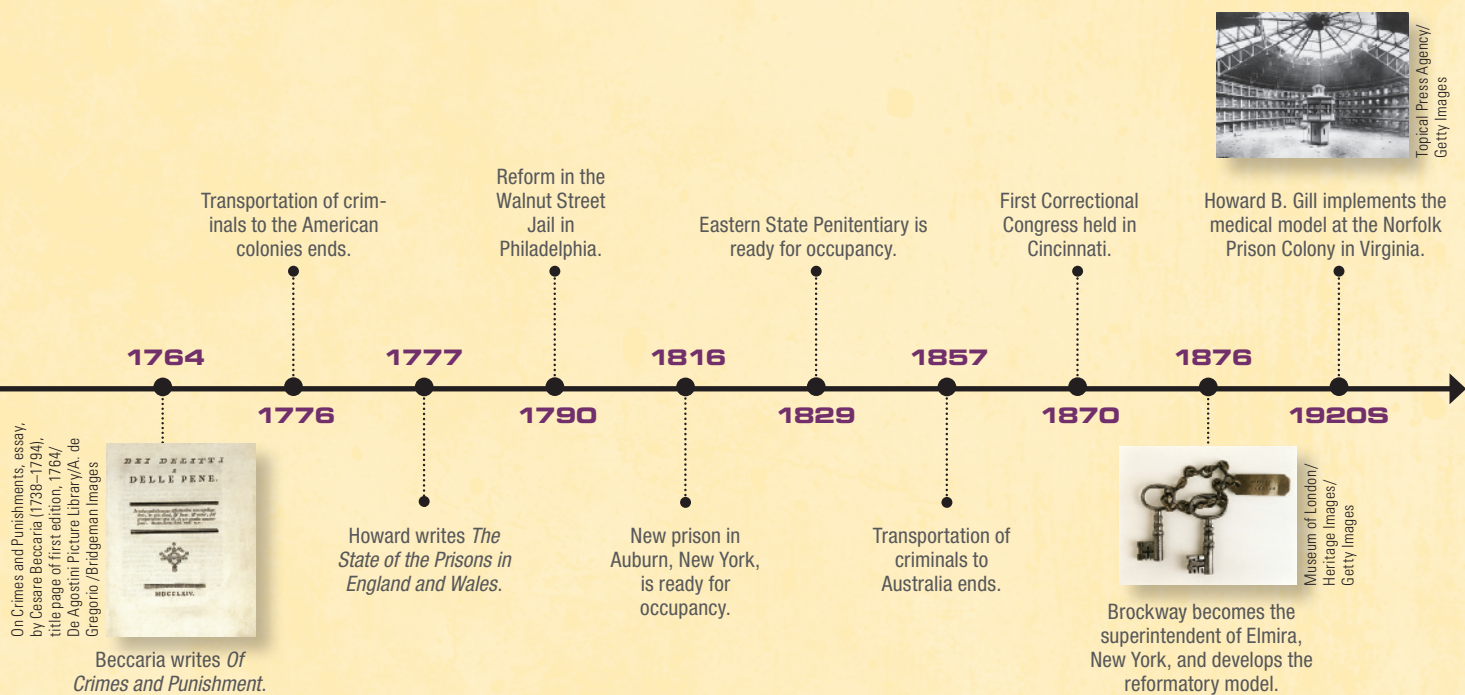
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The Code of Hammurabi, preserved on black basalt rock, set out crimes and punishments in ancient Sumeria. It was based on the concept of *lex talionis*, “an eye for an eye.” Are there elements in the American legal system that seem similar to Hammurabi’s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

Hammurabi’s code consists of 282 clauses, most of them having to do with matters that modern jurisprudence assigns to the civil laws. The principle of *lex talionis* (“law of talion,” from the Latin *talio*, as in retaliation) or “an eye for an eye” makes its appearance through the sections on the punishment of criminals. While people were punished commensurate for the harm they caused (a thief’s hand was cut off, for example), the code also rewarded compensation in the event that the perpetrator could not be identified. Take for instance the crime of robbery. If the thief was not caught, the code called for compensation to the victim of a robbery by the authorities of the city in which the robbery occurred. By making the state directly responsible for restitution, Babylonian law reduced intergenerational feuds and blood vengeance between families, a practice that has stood the test of time.<sup>4</sup>

### Punishment During the Middle Ages

A number of punishments were used for criminals in medieval Europe. The most widely used were flogging and branding, torture, servitude as galley slaves, the gallows or other forms of execution, and banishment and transportation. The medieval punishment of flagellation was the act of whipping (Latin *flagellum*, “whip”) or flogging the human body with implements such as rods, switches,



and the cat-o'-nine-tails, nine knotted cords fastened to a wooden handle. The “cat” got its name from marks it left on the body, which resembled the scratches of a cat. Flagellation likely originated in the Near East but quickly spread throughout the ancient world.

It was believed that criminals deserved severe punishments, and most of the punishments provided for torture as well. Executions were public, with large throngs gathered to enjoy the proceedings. At Mons, a city in what is now Belgium, the citizens actually bought a brigand for the pleasure of seeing him quartered—that is, pulled apart by horses drawing on his arms and legs, “at which the people rejoiced more than if a new holy body had risen from the dead.”<sup>5</sup> Criminals were seen as menaces to the community and as insults to God. Punishments of appalling cruelty were administered to make certain that the contrast between the riches of the few and the miseries of the many did not diminish.

Some of the first correctional institutions were developed during the medieval period and were still used in the seventeenth and eighteenth centuries. These included **monastic confinement** for violations of penal law; jails, which were used for the temporary detention of debtors and those who had committed minor offenses; **bridewells** or poor-houses, almshouses, and hospitals intended primarily for those incapable of looking after themselves; and **houses of corrections** or workhouses, where vagrants, beggars, and delinquents would be forced to work by way of discipline and punishment.<sup>6</sup> As a general rule, incarceration was not used as a means of correction but as a secure detention of suspected wrongdoers until they could be punished by execution, corporal punishment, or exile. Incarceration was also used to temporarily constrain the liberty of high-status persons who had fallen out of favor because they were political opponents of the ruling regime.<sup>7</sup> While minor offenders might receive corporal punishment such as whipping or branding, criminals who committed more serious offenses received sentences to the galleys and gallows or were transported to one of the penal colonies.

## CRITICAL THINKING



How do different forms of discipline used in the past help us to understand the historical evolution of the criminal justice system? **LO1**

**monastic confinement** Prisons established by the Church in the Middle Ages for those laity involved in offensive acts, such as incest and magic.

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

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

## Enlightenment Thinkers and the Development of Corrections

The philosophical ideas that underlie modern corrections can be traced to three Enlightenment philosophers: Montesquieu, Beccaria, and Bentham. **Charles-Louis de Secondat, Baron de Montesquieu** (1689–1755) wrote about the need to moderate punishment. He contended that in a moderate and lenient government, “the greatest punishment of a bad action is conviction. The civil laws have therefore a softer way of correcting, and do not require so much force and severity.”<sup>8</sup> **Cesare Bonesana Beccaria** (1738–1794) based the legitimacy of criminal sanctions on the social contract. The authority to make laws rested with the legislator, who should have only one view in sight: “the greatest happiness of the greatest number.” Beccaria considered punishment a necessary evil and suggested that “it should be public, immediate, and necessary; the least possible in the case given; proportioned to the crime; and determined by the laws.”<sup>9</sup> **Jeremy Bentham** (1748–1832) believed that the law should accomplish some utilitarian purpose, and the socially desirable outcome from criminal sanctions was the protection of society. He contended that punishment would deter criminal behavior if it was made appropriate to the crime.

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



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

### EXHIBIT 1.1

#### Theoretical Constructs of the Classical School

- Human beings are seen as rational creatures, who being free to choose their actions, could be held responsible for their behavior. This doctrine of free will was substituted for what had been previously the widely accepted concept of theological determinism, which saw humans as predestined to certain actions.
- Punishment is justified because of its practical usefulness or ability. No longer was punishment acceptable for purposes of vengeful retaliation or as expiation on the basis of superstitious theories of guilt and repayment. According to utilitarianism, the aim of punishment is the protection of society, and the dominant theme is deterrence.
- The classical school sees the human being as a creature governed by a felicific calculus—an orientation toward obtaining a favorable balance of pleasure and pain.
- There should be a rational scale of punishment painful enough to deter the criminal from further offenses and to prevent others from following his or her negative example.
- Sanctions should be proclaimed in advance of their use; these sanctions should be proportionate to the offense and should outweigh the rewards of crime.
- Equal justice should be available to everyone.
- Individuals should be judged by the law solely for their acts, not for their beliefs.

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

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

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

# THE POSITIVIST SCHOOL AND THE DEVELOPMENT OF CORRECTIONS

The treatment and rehabilitation model can be traced to the development of positivism. Instead of viewing crime as arising from free will, positivists argue that the social world operates according to laws or rules like the physical world. Hence, according to positivism, offenders are affected by biological or psychological factors that (1) impair or alter their decision-making abilities and (2) can be identified through the use of social scientific techniques.

Armed with a positivistic approach, social reformers of the early twentieth century set out to deal with the problem of crime, confident that they knew how to find its cause. Some progressives looked first to environmental factors, pinpointing poverty as a major cause of delinquency. Other positivists were attracted to the doctrine of eugenics and believed that certain biological features drove offenders to crime. The psychological origins of crime became widely accepted. Eventually, in the twenty-first century, the sociological origins of crime gained the widest acceptance among scholars in the field. The positivist approach to crime is based on three basic assumptions, set out in Exhibit 1.2.<sup>10</sup>

## The Early Prison Reformers

Early prisons were harsh environments. The worst felons were cut off from all contact with other prisoners; they had no hope of pardon to relieve their solitude or isolation. They were forced to remain alone and silent during the entire day, and breaking rules resulted in brutal punishments. This practice, which led to mental breakdowns, suicides, and self-mutilations, and the harsh and demeaning conditions of confinement in the eighteenth century inspired some leaders to call for prison reform. **John Howard** (1726–1790) was the first English prison reformer. Appointed high sheriff of Bedfordshire in 1773, Howard inspected the county prison and was shocked by the squalor in which inmates lived. He went on to inspect prisons throughout England and was particularly concerned about prisoners who were held indefinitely because they could not pay the jailer's fee—money paid to the owner or keeper of the prison for upkeep. In addition, terrible living conditions and poor hygiene produced plagues and other illnesses. Indeed, jail fever or typhus was endemic in most jails, and Howard himself died of typhus following his inspection of a jail in Russia. Before his death, Howard provided the English government with detailed proposals for improving the physical and mental health of prisoners, including where prisons should be located, the provision of clean water, proper diet, and adequate hygiene, and guidelines for hiring qualified prison personnel. He also advocated an independent inspection process to make sure reforms were being implemented.<sup>11</sup>



### FOR GROUP DISCUSSION

Identify the main concepts of Montesquieu, Beccaria, and Bentham and discuss examples of these concepts that you find in today's corrections system. What has changed since the days of Enlightenment thinking? What hasn't changed? **LO1**



Define the early prison reformers and what they contributed

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

## EXHIBIT 1.2

### Assumptions of the Positivist School

- The character and personal backgrounds of individuals explain criminal behavior. Positivism, relegating the law and its administration to a secondary role, looks for the cause of deviance in the actor.
- The existence of determinism is a critical assumption of positivism. Crime and deviance, like any other phenomenon, are seen as determined by prior causes (personality issues, poverty, family conflict); they do not just happen. Because of this deterministic position, positivism rejects the view that the individual exercises freedom, possesses reason, and is capable of choice.
- Criminals have personal characteristics that make them fundamentally different from noncriminals. These characteristics can be identified and measured. In attempting to explain these differences, positivists conclude that wayward youths and criminal adults are driven into crime by something in their physical makeup, by aberrant psychological impulses, or by a dysfunctional and damaging social environment.

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