

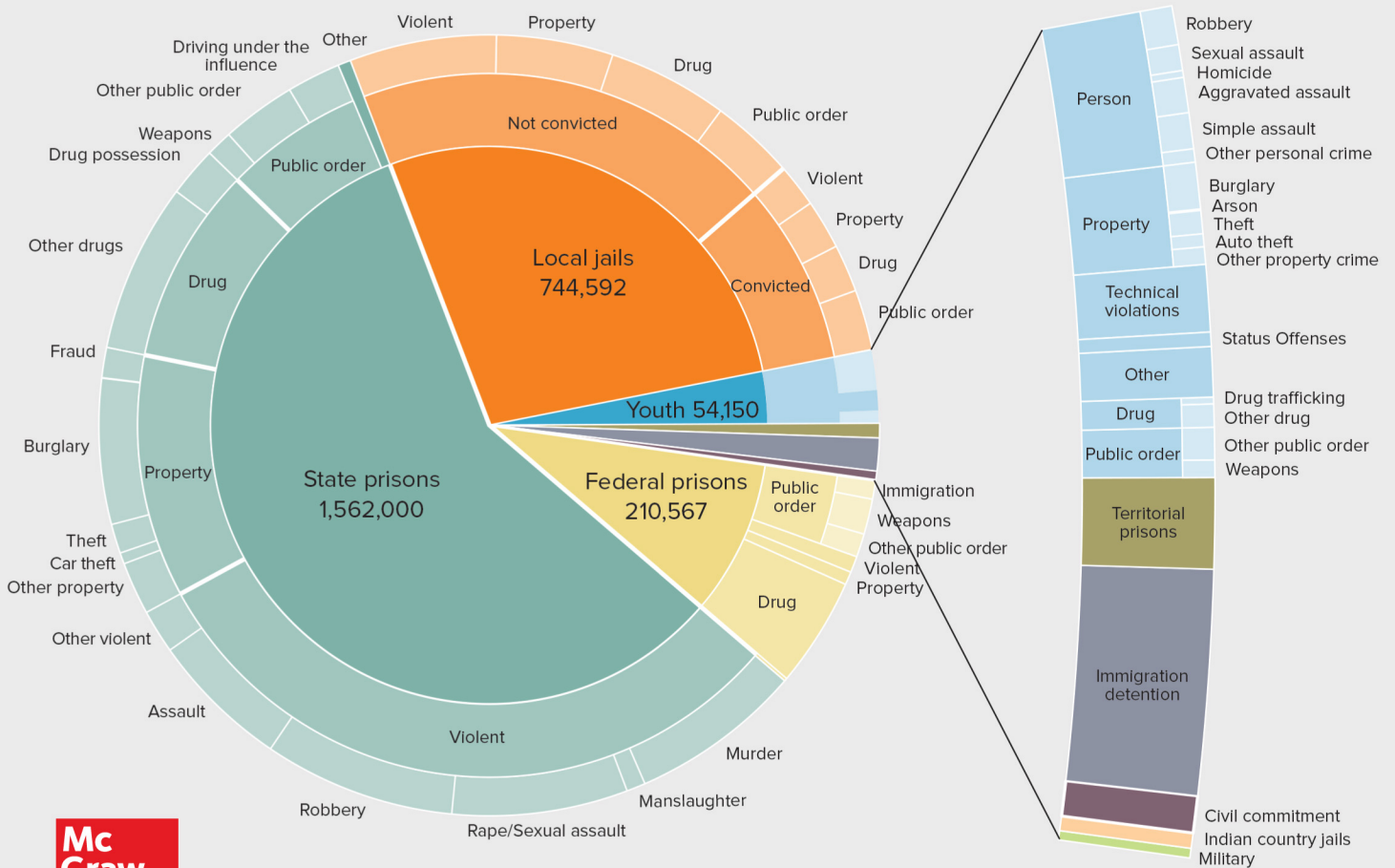
CORRECTIONS

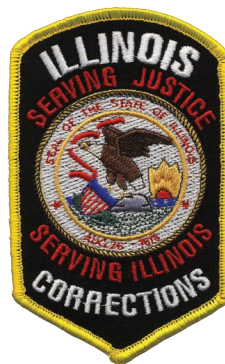
in the 21st Century

Frank Schmalleger | John Ortiz Smykla

INCARCERATED POPULATION, UNITED STATES

With less than 5% of the world's population, the United States incarcerates almost 25% of the world's prisoners.





Corrections in the 21st Century

eighth edition

Frank Schmalleger, PhD
Distinguished Professor Emeritus
University of North Carolina at Pembroke

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Director and Professor
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CORRECTIONS IN THE 21ST CENTURY, EIGHTH EDITION

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This book is printed on acid-free paper.

1 2 3 4 5 6 7 8 9 LWI 21 20 19 18 17

ISBN 978-1-259-82401-2
MHID 1-259-82401-2

Chief Product Officer, SVP Products & Markets: *G. Scott Virkler*
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Content Licensing Specialists: *Lori Slattery (Text)*
Cover Image: Source: Adapted from "Mass Incarceration: The Whole Pie 2016", Prison Policy Initiative, <http://www.prisonpolicy.org/reports/pie2016.html>; Corrections Professionalism logo © Jonathon Smykla
Compositor: *SPi Global*
Printer: *LSC Communications*

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Library of Congress Cataloging-in-Publication Data

Names: Schmallegger, Frank, author. | Smykla, John Ortiz, author.
Title: Corrections in the 21st century / Frank Schmallegger, PhD,
Distinguished Professor Emeritus, University of North Carolina at
Pembroke, John Ortiz Smykla, PhD, Distinguished University Professor,
University of West Florida.
Description: Eighth edition. | New York, NY : McGraw-Hill Education, [2016]
Identifiers: LCCN 2016025410 | ISBN 9781259824012 (alk. paper)
Subjects: LCSH: Corrections--United States. | Corrections--Vocational
guidance--United States.
Classification: LCC HV9471 .S36 2016 | DDC 364.6023/73--dc23 LC record
available at <https://lccn.loc.gov/2016025410>

The Internet addresses listed in the text were accurate at the time of publication. The inclusion of a website does not indicate an endorsement by the authors or McGraw-Hill Education, and McGraw-Hill Education does not guarantee the accuracy of the information presented at these sites.

dedication



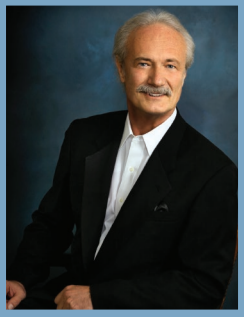
For my granddaughters, Ava and Malia

–Frank Schmalleger

For my wife, Evelyn, my granddaughter,
Harper Grace, and my grandson, Holden
Fate

–John Smykla

About the Authors



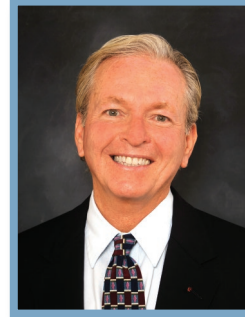
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Dr. Schmalleger is the author of numerous articles and many books, including *Criminal Justice Today* (Prentice Hall, 2017), *Criminal Justice: A Brief Introduction* (Prentice Hall, 2018), *Criminology Today* (Prentice Hall, 2017), and *Criminal Law Today* (Prentice Hall, 2016). He is founding editor of the journal *Criminal Justice Studies* (formerly *The Justice Professional*) and has served as imprint advisor for Greenwood Publishing Group's criminal justice reference series.

Dr. Schmalleger is also the creator of a number of award-winning websites (including the former cybrary.info and crimeneews.info). He is a member of the Academy of Criminal Justice Sciences, the American Society of Criminology, and the Society of Police Futurists International (where he is a founding member). Schmalleger's author website on Amazon.com can be viewed at www.amazon.com/Frank-Schmalleger/e/B001IGFLVI. Follow him on Twitter @schmalleger.



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Dr. Smykla has published more than 50 research articles on corrections and policing issues. He is currently engaged in a five-year study of federal reentry court for the U.S. District Court, Northern District of Florida, and a multi-year investigation of police and community perceptions of police-work body cameras. Dr. Smykla has delivered more than 60 conference papers in the United States and abroad. In 1986, he was a Senior Fulbright Scholar in Argentina and Uruguay.

Dr. Smykla is a member of the Academy of Criminal Justice Sciences and the Southern Criminal Justice Association. In 1996, the Southern Criminal Justice Association named him Educator of the Year. In 1997, he served as program chair for the annual meeting of the Academy of Criminal Justice Sciences. In 2000, he served as president of the Southern Criminal Justice Association. In 2010, the University of West Florida named him a Distinguished University Professor.

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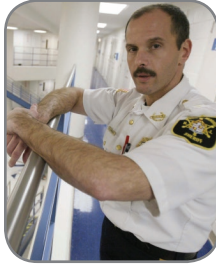
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PREFACE

Corrections, when seen as the control and punishment of convicted offenders, has been an important part of organized society from the earliest days of civilization. It has not always had a proud past, however. In pre-modern times, atrocious physical punishment, exile, and unspeakable torture were the tools used all too often by those called upon to enforce society's correctional philosophies—especially the strongly felt need for vengeance.

Important changes in correctional practice began around the time of the American Revolution when the purposes of criminal punishments were closely examined by influential reformers. More recently, corrections has become an important field of study in which scientific techniques are valued and reasoned debate is encouraged.

The best, however, is yet to come. Only within the past 30 years have conscientious corrections practitioners begun to embrace the notion of professionalism—wherein ethics, a sense of high purpose, a personal long-term career commitment, a respect for the fundamental humanity of those supervised, and widely agreed-upon principles and standards guide the daily work of correctional personnel. Corrections professionalism, although not yet as well known as police professionalism, has garnered support from policymakers and is winning respect among the public. It serves as this textbook's organizing principle.

Corrections in the 21st Century:

- provides an in-depth look at the past, present, and future of corrections;
- identifies the many *subcomponents* of modern-day corrections;
- highlights the *process* of modern-day corrections;
- focuses on the *issues* facing the correctional enterprise today;
- provides an appreciation for contemporary real-world correctional *practice*;
- examines the opportunities represented by new and developing corrections *technologies*; and
- points students in the direction of the still-emerging ideal of corrections *professionalism*.

It is our belief that a new age of corrections is upon us. It is an age in which the lofty goals of corrections professionalism will take their place alongside the more traditional components of a still-developing field. It is our hope that this textbook will play at least some small

part in helping bring about a new and better correctional enterprise—one that is reasonable and equitable to all involved in the justice process.

THE EIGHTH EDITION

The following changes have been made in the Eighth Edition of *Corrections in the 21st Century* to better focus reader attention on the key learning materials in each chapter:

- Web-based instructional videos featuring the authors, and emphasizing key learning points are now available.
- Text shortened from 16 to 12 chapters to coincide with academic schedules. Now available in a concise and focused paperback version (among other formats).
- Enhancement of the photo program to better grab student interest and draw readers into the text.
- Integration of additional evidence-based information throughout the book and frequent citation of the literature relating to such practices.
- A number of new stories, many focusing on what's happening internationally in corrections, now open the chapters.
- Incorporation of reviews of the most recent data and literature throughout.
- Updates to statistics and data throughout the book.

Significant chapter-specific content changes include the following:

Chapter 1

- New chapter-opening story.
- New web-based videos featuring the authors have been added to the chapter. They are entitled *Introduction to Corrections* and *The Corrections Explosion*.
- Exploration of reasons for the rapid growth of incarceration in the United States.
- "Mass incarceration" added to the chapter as a key term.
- Discussion of some of the findings of the Charles Colson Task Force on Federal Corrections.

- Updated data on correctional employment.
- Shortened, more focused chapter.

Chapter 2

- New title, *Corrections Today*, with a focus on professionalism and evidence-based corrections.
- Discussion of social diversity and issues of race, gender, and ethnicity.
- New web-based videos featuring the authors have been added to the chapter. They are entitled *Evidence-based Corrections* and *Corrections Professionalism*.
- A new careers box featuring Rhianna Johnson, the education director at a minimum security male prison in Washington state.

Chapter 3

- New chapter incorporating the continuum of sentencing, including death (formerly Chapter 15).
- New chapter-opening story.
- New web-based videos featuring the authors have been added to the chapter. They are entitled *Sentencing Goals* and *Capital Punishment*.
- New graphics to improve the chapter's visual appeal.
- New Career Profile of a federal prison warden. Incorporation of updated data and statistics throughout the chapter and inclusion of line art.
- New materials on sentencing options and types of sentences.
- New QR codes that direct students to videos and podcasts to extend the ideas discussed in the chapter.
- Latest data on the characteristics of persons on death row.
- Updated material on states with and without the death penalty, victim race, public opinion, and methods of execution.
- Updated material on fairness in sentencing.
- Updated end-of-chapter exercises.

Chapter 4

- A new web-based video featuring the authors has been added to the chapter. It is entitled *Probation*.
- Revised chapter title and new chapter-opening story.
- Significantly shortened chapter.
- Latest data on the characteristics of adults on probation.

- Information on the movement to privatize probation and charging offenders supervision fees.
- Career profile of a federal probation officer.
- New QR codes that direct students to videos and pod casts to extend the ideas discussed in the chapter.

Chapter 5

- New chapter-opening story.
- Significantly shortened chapter.
- Evidence-based findings on intermediate sanctions updated and new exhibit on notable fines and penalties charged to corporations.
- New web-based videos featuring the authors have been added to the chapter. They are entitled *Intermediate Sanctions* and *Day Fines*.
- New QR codes that direct students to videos and podcasts to extend the ideas discussed in the chapter.
- Expanded coverage on the new types of drug courts: veterans treatment court, DWI court, family drug court, reentry court, juvenile drug court, reentry drug court, tribal healing to wellness court, and the Back to TRAC clinical justice model.
- New coverage on how the fiscal crisis is influencing governors' and legislators' interest in intermediate sanctions.

Chapter 6

- New web-based videos featuring the authors have been added to the chapter. They are entitled *Jails* and *Jail Privatization*.
- New chapter-opening story.
- Significantly shortened chapter.
- Expanded coverage of bail release options.
- New research from the Justice Policy Institute that discusses the unintended negative consequences of building newer and bigger jails.
- Latest data on the characteristics of jail inmates and facilities.
- New exhibit of 10 facts about women in jails.
- New exhibit on the benefits of CIT.
- New exhibit on arguments favoring and opposing pay-to-stay jail programs.
- Revised discussion of the most recent data on the decline in the jail suicide rate.
- U.S. Department of Justice updated research on the prevalence of sexual victimization in the nation's jails.

- New QR codes that direct students to videos and podcasts to extend the ideas discussed in the chapter.
- Data revision on jails: occupancy, number of public versus private, and size, location, and budgets.
- Updated material on California’s Realignment.
- Updated discussion of promising approaches to reentry well suited to the jail setting.
- Revised research on jail industry programs making headlines around the country.

Chapter 7

- New web-based videos featuring the authors have been added to the chapter. They are entitled *Prison Industries* and *Prison Overcrowding*.
- New and significantly shortened chapter merging Chapters 7 and 13.
- New chapter-opening story.
- Updated coverage of the effect of cuts in corrections budgets on personnel, salaries, benefits, overtime, programs, facilities, and services and how states are turning to evidence-based practices, the federal Second Chance Act, drug courts, veterans courts, reentry courts, technology, and assistance from professional associations and advocacy groups for guidance on the effective use of the funds they have.
- Latest data on characteristics of adults under jurisdiction of state and federal prisons.
- Revised discussion of how the movement in EBC and the economic downturn have caused a decline in state prison populations.
- New QR codes that direct students to videos and podcasts to extend the ideas discussed in the chapter.
- New research on states with the most expensive prisoners.
- Updated data on the cost of state and federal incarceration.
- Updated discussion of states’ use of Justice Reinvestment.
- Expanded coverage of inmates’ use of cell phones in prison, including new policies to curb their use and new federal legislation making it a felony for inmates to possess them or a wireless device.
- Expanded coverage of the use of security technology to recognize, track, and detect prison offenders and officers and added discussion of the overuse of “virtual visiting.”

- Introduction of the Solitary Confinement Study and Reform Act of 2015 to reform the practice of solitary confinement in the U.S. federal prison system.
- New end-of-chapter review material.

Chapter 8

- New web-based videos featuring the authors have been added to the chapter. They are entitled *Parole and Reentry* and *Parole: The Good and the Bad*.
- New chapter-opening story.
- Chapter significantly shortened.
- Updated material in response to the economic crisis on how states are handling technical violations of the formerly incarcerated.
- New exhibit summarizing Second Chance Act offender reentry demonstration projects.
- New coverage of the principles and programs for successful reentry from corrections scholars Jeremy Travis, Ed Latessa, and Elizabeth Gaynes.
- Expanded coverage on the needs of prisoners returning to their communities, “ban the box,” and the Second Chance Act.
- New coverage of the National Institute of Corrections tool for structured decision making to serve as an aid in determining parole prognosis (potential risk of parole violation).
- New research on reentry problems for black women.
- New QR codes that direct students to videos and podcasts to extend the ideas discussed in the chapter.
- New exhibit and discussion of the signs that as mandatory minimum sentences and three-strikes laws are rolled back, parole boards might reemerge with more power.
- Revised and expanded analysis of the important topic of what works for parole supervision.
- Latest data on characteristics of adults on parole are included.
- Updated and expanded coverage on the question, “Can parolees vote?”
- New material on reentry court evaluations noting the randomized study being conducted for the U.S. District Court for the Northern District of Florida, the only one of its kind in the United States.

Chapter 9

- New web-based videos featuring the authors have been added to the chapter. They are entitled *Staff Subculture* and *Prisoner Radicalization*.
- New chapter-opening story on the Pew Charitable Trusts reporting on the shortage of qualified correctional officers across the country.
- New exhibit detailing correctional officer pay in various jurisdictions and showing that many COs can earn substantially more than their base pay through overtime work.
- Revised and expanded section on correctional officer stress to include discussion of the Desert Waters Correctional Outreach organization.
- New section on “Fraternization with Inmates,” using the case of Joyce Mitchell (from New York) as an illustration.

Chapter 10

- Revised chapter-opening story.
- Updated data reported under the federal Survey of Sexual Victimization in correctional facilities.
- New web-based videos featuring the authors have been added to the chapter. They are entitled *Inmate Subculture* and *Inmate Roles*.
- Updated data on imprisoned women and the growth of women’s imprisonment.
- New figure showing the increase in women’s incarceration.
- “Gender-responsiveness” added and defined as a key term.

Chapter 11

- Discussion of a new U.S. Supreme Court case, *Holt v. Hobbs* (2015), involving an inmate’s claims for permitted religious practice.
- A new web-based video featuring the authors has been added to the chapter. It is entitled *Prisoner Rights*.
- Discussion of an older case, that of *Sostre v. McGinnis* (1964), to illustrate the historical “hands-off” approach characteristic of federal courts prior to the 1970s.
- New photos added to enhance the visual appeal of the chapter.

Chapter 12

- New chapter-opening story.
- Significantly shortened chapter.
- Updated coverage on how states are addressing the health care needs of special-needs inmates.
- Latest data on the prevalence of HIV in prison.

- New career profile of Jose Ortiz-Cruz, Programs Coordinator for the Charlotte County Sheriff’s Office, Punta Gorda, Florida.
- Key findings from the American Correctional Association’s survey of inmate mental health care.
- Latest data on the characteristics of older inmates (the “silver tsunami” of aging prisoners) and new discussion of why states are not using their compassionate, medical, or geriatric prisoner release laws.
- New QR codes that direct students to videos and podcasts to extend the ideas discussed in the chapter.

ORGANIZATION

The Eighth Edition of *Corrections in the 21st Century* has been shortened to better reflect aspects of the correctional process. Chapters are grouped into four parts, each of which is described in detail in the following paragraphs.

Part One, “Introduction to Corrections,” provides an understanding of corrections by explaining the problem of mass incarceration and the goals underlying the correctional enterprise and by describing the how and why of criminal punishments. Part One identifies professionalism as the key to managing correctional personnel, facilities, and populations successfully. Standard-setting organizations such as the American Correctional Association, the American Jail Association, the American Probation and Parole Association, and the National Commission on Correctional Health Care are identified, and the importance of professional ethics for correctional occupations and correctional administrators is emphasized.

Part Two, “Community Corrections,” explains what happens to most convicted offenders, including diversion (the suspension of formal criminal proceedings before conviction in exchange for the defendant’s participation in treatment), probation, and intermediate sanctions.

Part Three, “Institutional Corrections,” provides a detailed description of jails, prisons, and parole. The reentry challenges facing inmates released from prisons are explained. Education, vocational preparation, and drug treatment programs that are intended to prevent reoffending also are explored.

Part Four, “The Prison World” provides an overview of life inside prison from the points of view of both inmates and staff. Part Four also describes the responsibilities and challenges surrounding the staff role. Chapter 12 focuses attention on special correctional populations, including inmates who are elderly, have HIV/AIDS, are substance abusers, and are mentally and physically challenged. We have chosen

to integrate our coverage of women in corrections—including information about the important NIC report titled “Gender Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders”—throughout the body of the text rather than isolating it in Chapter 12.

PEDAGOGICAL AIDS

Working together, the authors and editor have developed a learning system designed to help students excel in the corrections course. In addition to the many changes already mentioned, we have included a wealth of new photographs to make the book even more inviting and relevant.

To this same end, our real-world chapter-opening vignettes give the material a fresh flavor intended to motivate students to read on; our photo captions, which raise thought-provoking questions, actively engage students in the learning process. Carefully updated tables and figures highlight and amplify the text coverage. And chapter outlines, objectives, and reviews, plus marginal definitions and an end-of-book glossary, all help students master the material.

The Schmallegger/Smykla learning system goes well beyond these essential tools, however. As mentioned, *Corrections in the 21st Century* offers a unique emphasis on corrections professionalism, an emphasis that has prompted us to create a number of innovative learning tools that focus on the real world of corrections:

- A concentration on *Evidence-Based Corrections*—What actually works in correctional settings? that is, what correctional programs are effective in reducing recidivism and in preventing future crimes? Evidence-based corrections is an exciting new development in the corrections field, and a number of agencies, institutions, and organizations now emphasize the use of scientific evidence. Evidence-based policy, which builds on evidence-based corrections, is an approach that helps people make well-informed decisions about policies and programs by putting the best available evidence from research at the heart of policy development and implementation.
 - *Career Profiles*—enlightening minibiographies of corrections professionals, such as a parole officer, a victims’ advocate, a corrections officer, a youth counselor, and a substance abuse manager.
 - *Economic Realities and Corrections*—boxes throughout the text to recognize budgetary constraints affecting correctional agencies nationwide, highlighting innovative evidence-based practices demonstrating “what works.”
 - *Ethics and Professionalism*—boxes that highlight ethical codes and critical concerns
- from America’s premier corrections-related professional associations. Included are features from the American Correctional Association, the American Jail Association, the American Probation and Parole Association, International Association of Community Corrections, the International Association of Correctional Training Personnel, National Association of Pretrial Services Agencies, and others. Included in each Ethics and Professionalism box are author-created Ethical Dilemmas, which present students with ethical questions from the corrections field and guide them to an insightful resolution. Ethical Dilemmas are supplemented with web-based resources maintained by the authors and specifically selected to help students navigate particular ethics-related issues.
- *CrimeSolutions.Gov* - boxes that use the National Institute of Justice’s research to rate the effectiveness of programs and practices in achieving criminal justice related outcomes in order to inform practitioners and policy makers about what works, what doesn’t, and what’s promising in criminal justice.
- In addition to the features we have developed to further our goal of creating a uniquely practical, professionally oriented text, we also have included end-of-chapter review material to help students master the concepts and principles developed in the chapter:
- *Chapter Summary*—a valuable learning tool organized into sections that mirror the chapter-opening objectives exactly; the summary restates all of the chapter’s most critical points.
 - *Key Terms*—a comprehensive list of the terms defined in the margins of the chapter, complete with page references to make it easy for students to go back and review further.
 - *Questions for Review*—objective study questions (exactly mirroring the chapter-opening objectives and summary) that allow students to test their knowledge and prepare for exams.
 - *Thinking Critically About Corrections*—broad-based questions that challenge students to think critically about chapter concepts and issues.
 - *On-the-Job Decision Making*—unique experiential exercises that enable students to apply what they have learned in the chapter to the daily work of correctional personnel.
 - *QR Codes*—unique machine-readable codes in every chapter directing students to videos and podcasts that extend the ideas discussed in the chapter, providing a truly interactive learning experience.



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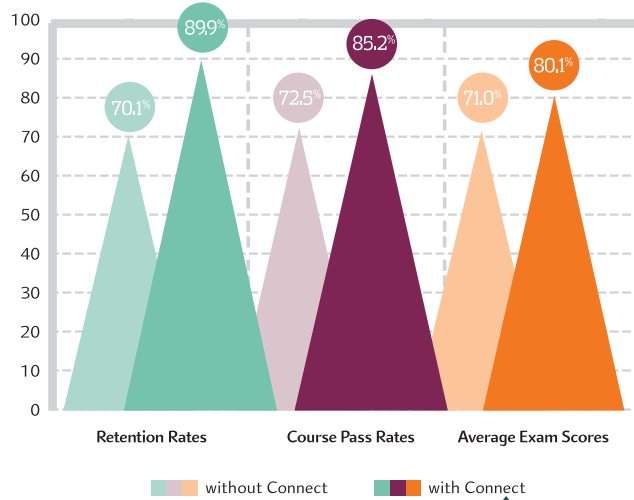
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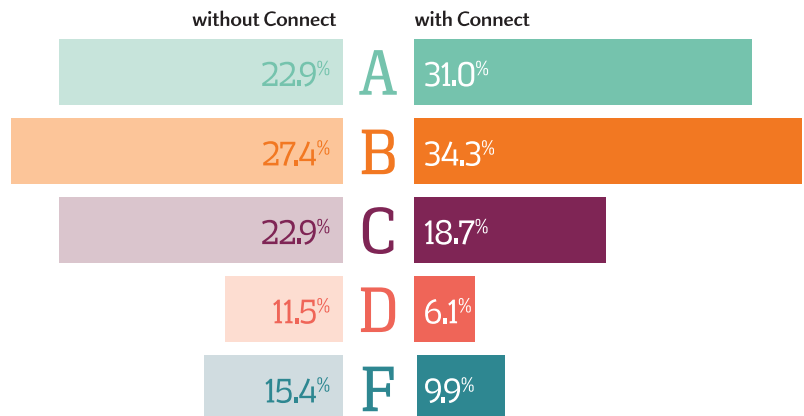
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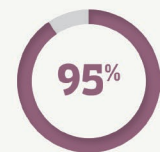
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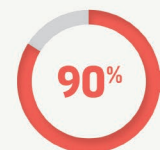
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The Eighth Edition of *Corrections in the 21st Century* is now available online with Connect, McGraw-Hill Education's integrated assignment and assessment platform. Connect also offers SmartBook for the new edition, which is the first adaptive reading experience proven to improve grades and help students study more effectively. All of the title's website and ancillary content is also available through Connect, including:

- A full Test Bank of multiple choice questions that test students on central concepts and ideas in each chapter.
- An Instructor's Manual for each chapter with full chapter outlines, sample test questions, and discussion topics.
- Lecture Slides for instructor use in class.
- Web-based instructional videos featuring the authors, and emphasizing key concepts.

IN APPRECIATION

Writing a textbook requires a great deal of help and support. We gratefully acknowledge the contributions of the following individuals who helped in the development of this textbook.

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Ozarks Technical Community College
Springfield, Missouri

Cassandra Atkin-Plunk
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Boca Raton, Florida

John Augustine
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Tom Austin, Ret.
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Finally, we want to acknowledge the special debt that we owe to the McGraw-Hill team, including brand manager Penina Braffman for keeping the project on track; marketing manager Meredith Leo for seeing value in this textbook; the developmental editing team at ansrsource for their attention to the many day-to-day details that a project like this entails; project manager Heather Ervolino; buyer Susan K. Culbertson; full-service project manager Suresh Rajamoni; content licensing specialist Lori Slattery; photo researcher LouAnn Wilson; copy editor Sue Nodine; and indexer Judy Lyon Davis. The professional vision, guidance, and support of these dedicated professionals helped bring this project to fruition. A hearty “thank you” to all.

Frank Schmalleger

John Smykla

Introduction to Corrections

Part One develops an understanding of corrections by examining the purposes of corrections and by describing the forces molding contemporary corrections.

Today, crime rates are falling but the number of people under correctional supervision (on probation or parole or in jail or prison) has only started to decline from historical highs. Get-tough-on-crime attitudes, the War on Drugs, and the reduction in the use of discretionary parole releases explain what some have seen as

the overuse of imprisonment in the past two decades. The current period of mass incarceration is the result.

Professionalism is the key to effectively managing correctional populations—and that is especially true today in today's mass incarceration era. Standard-setting organizations such as the American Correctional Association, the American Jail Association, the American Probation and Parole Association, and the National Commission on Correctional Health Care offer detailed sets

of written principles for correctional occupations and correctional administrators.

Nevertheless, professional credentialing in corrections is relatively new.

The professional nature of corrections is also seen in the way sanctions are

developed. From a time when theory and practice advocated indeterminate sentences to the legislatively mandated determinate sentences of today, correctional decision makers have had to use their knowledge of human behavior, philosophy, and law to construct sanctions that are fair and just. The correctional goals of retribution, just deserts, deterrence, incapacitation, rehabilitation, and restoration have produced the sanctions of probation, intermediate sanctions, jail, prison, parole, and capital punishment.

Part One also discusses evidence-based corrections (EBC) or the use of social scientific techniques to determine the most workable and cost-effective programs and initiatives. Choosing the best programs means understanding the political, social, economic, human, and moral consequences of crime control. For that reason, corrections is a field in which complex decision making requires the skills of trained professional staff and administrators.



[1]



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CORRECTIONS

An Overview

CHAPTER OBJECTIVES

After completing this chapter you should be able to do the following:

- 1 Describe the corrections explosion of the past 40 years, including the recent leveling off of correctional populations.
- 2 Describe how crime is measured in the United States, and list the kinds of crimes that cause people to enter correctional programs and institutions.
- 3 List and describe the various components of the criminal justice system, including the major components of the corrections subsystem.



The growth in incarceration rates in the United States over the past 40 years is historically unprecedented and internationally unique.

—National Research Council, 2014





In 2015, a drone dropped a package of heroin, marijuana, and tobacco into the prison yard at Ohio's Mansfield Correctional Institution, leading to a fight between as many as 75 inmates who struggled over the drugs. The drone, which was captured on security cameras, flew off and disappeared—leaving investigators few clues about where it originated.¹

Drone-delivered contraband is just one of the many issues facing correctional administrators today. In a typical year, for example, inmates across the country file around 175,000 fraudulent income tax returns, claiming refunds totaling more than \$2.5 billion.²

Similarly, prisoners' use of outlawed cell phones to make calls from inside of correctional institutions has grown exponentially as the number of phones in general circulation has expanded. Recently, for example, California correctional officers seized nearly 6,000 banned cell phones from the state's prisoners, while officials with Maryland's Department of Public Safety and Correctional Services confiscated over 3,600 cell phones in the past three years.³

Drug-dropping drones, illicit cell phone usage, fraudulent tax return filing, and similar other outlawed⁴ activities that occur behind prison bars illustrate the close connection that inmates retain to the outside society, and raise the question, "Do prisons really make us safe?"⁵ What about other corrections programs, such as probation, parole, jails, alternative sentencing programs, and institutions for juvenile offenders? If they make our society a safer place in which to live, then the recent and rapid growth in correctional populations that took place over the past 30 years—and which is discussed in the next section of this chapter—is understandable. If they don't contribute much to safety and security, however, then we must look elsewhere to understand why such rapid growth occurred.

The Guardian, "Drone's Heroin Delivery to Ohio Prison Yard Prompts Fights Among Inmates" <http://www.theguardian.com/us-news/2015/aug/04/drone-drug-delivery-ohio-prison-fight-heroin-marijuana-tobacco>



A remote-controlled drone. How do drones illustrate some of the problems that prison administrators face today?

© Doxieone Photography/Getty Images RF

THE CORRECTIONS EXPLOSION: WHERE DO WE GO NOW?

One amazing fact stands out from all the contemporary information about corrections: While serious **crime** in the United States consistently declined throughout much of the 1990s, and while such declines continued into the first decades of the 21st century, the number of people under correctional supervision in this country—not just the number of convicted offenders sent to **prison**—continued to climb, and only started to level off after 2010. Crime rates are approximately 20 percent lower today than they were in 1980. In fact, they are near their lowest level in 25 years.

The Corrections Explosion



CO1-1



Please read the National Research Council's 2014 report, *The Growth of Incarceration in the United States: Exploring Causes and Consequences*, at <http://www.nap.edu/read/18613/chapter/1#ii>, or scan this code with the QR app on your smartphone or digital device to view it.

crime

A violation of a criminal law.

prison

A state or federal confinement facility that has custodial authority over adults sentenced to confinement.

mass incarceration

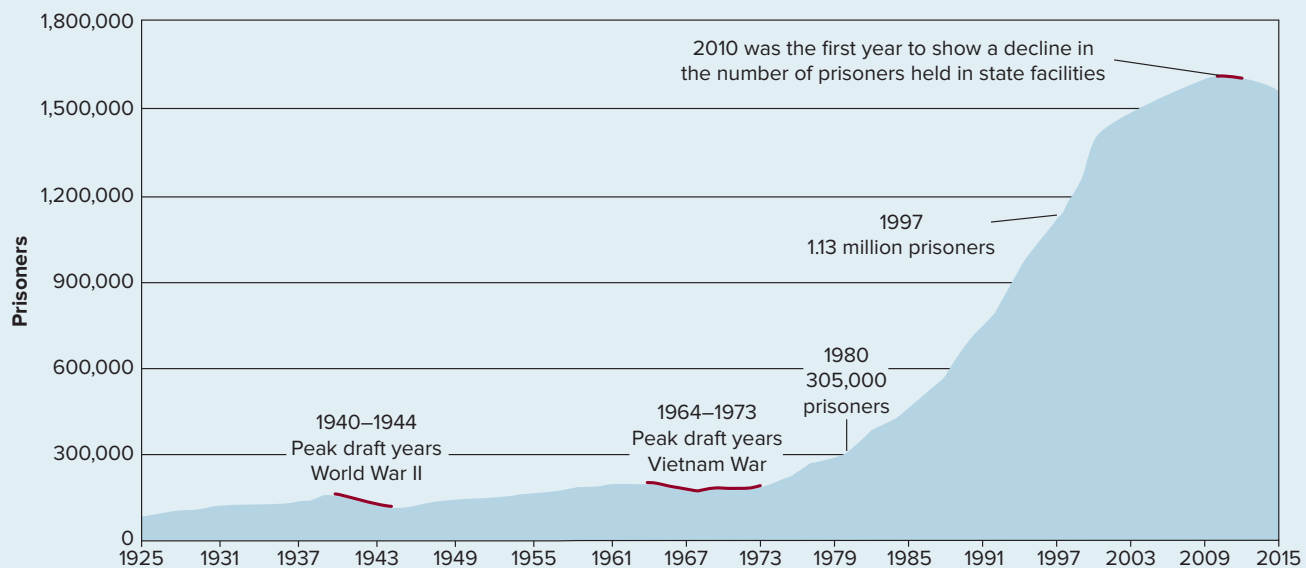
The overuse of correctional facilities, particularly prisons, in the United States—as determined by historical and cross-cultural standards. We live in an era of mass incarceration.

But the number of people on probation is up almost 300 percent since 1980, the nation’s prison population has increased by more than 400 percent, and the number of persons on parole more than doubled. Between 1980 and 2014, the federal imprisonment rate increased 500 percent, from 11 inmates for every 100,000 U.S. residents to 68. During the same period, annual spending on the federal prison system rose 600 percent, from \$970 million to more than \$6.7 billion in inflation-adjusted dollars. Prison expenditures grew from 14 percent of the Justice Department’s total outlays to 23 percent.⁶ States, like the federal government, recorded sharp increases in incarceration and corrections costs over the past three decades. However, between 2007 and 2015, some states made research-driven policy changes to control prison growth, reduce recidivism, and contain costs. While the federal imprisonment rate continued to rise during that period, the state rate declined slightly. Numbers like these show that we live in an era of **mass incarceration**, and the provision of correctional services of all kinds has become a major strain on governments at all levels. Exhibit 1–1 illustrates trends in national prison populations.

The question is, Why? Why did the correctional population increase so dramatically in the face of declining crime rates? And why is the United States now in the midst of an era of mass incarceration? The answer to these questions, like the answers to most societal enigmas, is far from simple, and it has a number of dimensions.

First, it is important to recognize that get-tough-on-crime laws, such as the three-strikes (and two-strikes) laws that were enacted in many states in the mid-1990s, fueled rapid increases in prison populations. The conservative attitudes that gave birth to those laws are still with us, and most of the increase in state prison populations has come from imprisoning more people for violent crimes for longer periods of time.⁷ At the federal level, the Violent Crime Control and Law Enforcement Act of 1994 encouraged

EXHIBIT 1–1 The Growth of Imprisonment in the United States



Source: Bureau of Justice Statistics, *Crime and Justice Atlas 2000* (Washington, DC: Bureau of Justice Statistics, 2001), pp. 42–43; and Danielle Kaeble, Lauren Glaze, Anastasios Tsoutsis in *Correctional Populations in the United States, 2014* (Washington, DC: Bureau of Justice Statistics, 2015).

EXHIBIT 1-2 Number of State Prisoners by Offense, 2014

Type of Offense	All	Male	Female
Violent offenses	704,800	670,900	34,000
Property offenses	255,600	229,500	26,000
Drug offenses	208,000	186,000	22,000
Public-order offenses	146,300	137,900	8,400

Source: Adapted from E. Ann Carson, *Prisoners in 2014* (Washington, DC: Bureau of Justice Statistics, 2015).

Note: Detail may not sum to total due to rounding.

longer prison sentences for more crimes and led to the adoption of harsher sentencing regimes throughout the nation.⁸

A second reason correctional populations have rapidly increased can be found in the nation's War on Drugs. The War on Drugs led to the arrest and conviction of many offenders, resulting in larger correctional populations in nearly every jurisdiction (especially within the federal correctional system). A 2015 report by the congressional Colson Task Force on Federal Corrections, for example, found that "The biggest driver of growth" in the federal prison population was "federally sentenced drug offenders, almost all of whom were convicted of drug trafficking." Many drug offenders—especially traffickers—are sentenced to lengthy prison terms, further increasing the number of people behind bars, and many such offenders have multiple convictions, including use (or possession) of a firearm during a drug transaction.⁹ In Exhibit 1-2, compare the total number of individuals incarcerated for drug offenses with, for example, the total incarcerated for property offenses. Although they account for a large portion of the nation's correctional population, drug arrests do not figure into the FBI's calculations of the nation's rate of serious crimes. Hence, the War on Drugs goes a long way toward explaining the growth in correctional populations even while the rate of "serious crime" in the United States appeared to be declining.

Third, parole authorities, fearing civil liability and public outcry, became increasingly reluctant to release inmates. This contributed to a further expansion of prison populations.

Fourth, as some observers have noted, the corrections boom created its own growth dynamic.¹⁰ As ever increasing numbers of people are placed on probation, the likelihood of probation violations increases. Prison sentences for more violators result in larger prison populations. When inmates are released from prison, they swell the numbers of those on parole, leading to a larger number of parole violations, which in turn fuels further prison growth. Statistics show that the number of criminals being sent to prison for at least the second time has increased steadily, accounting for approximately 35 percent of the total number of admissions.¹¹

One 2015 analysis of the dramatic increase in imprisonment, found that it "was not driven by a centralized national-level strategy for dealing with crime and was not based on a coherent body of empirical knowledge demonstrating that prisons improved public safety."¹² Instead, said the report, "it was the product of layers of legislative decisions, primarily enacted at the state level, to charge and imprison more offenders, increase sentences, limit prison releases, and expand" prison capacity. These decisions led to a new era in which prisons became primary weapons in the nation's war on crime.



U.S. correctional populations have grown dramatically over the past 30 years, as this image of inmates living in a modified gymnasium at the Mule Creek State Prison in Inone, California, illustrates. What factors led to a substantial increase in the use of imprisonment in this country beginning in the 1980s?

© Justin Sullivan/Getty Images

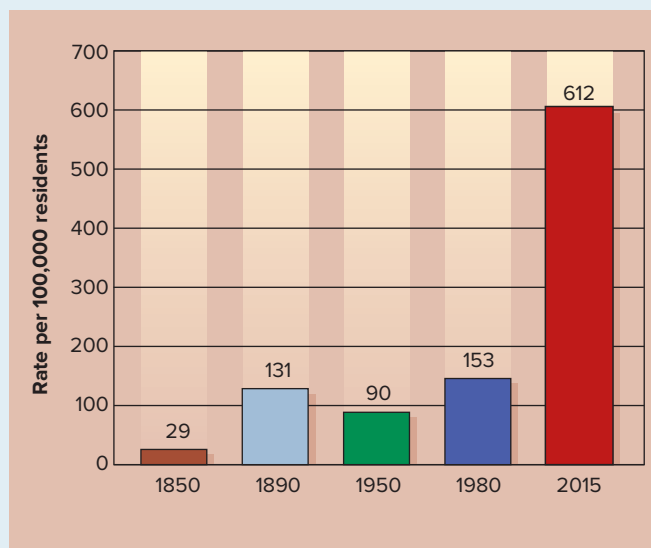
Historical Roots of the Corrections Explosion

Seen historically, the growth of correctional populations may be merely the continuation of a long-term trend. A look at historical data shows that correctional populations continued to increase through widely divergent political eras and economic conditions. Census reports show an almost relentless increase in the rate of imprisonment over the past 160 years. In 1850, for example, only 29 people were imprisoned in this country for every 100,000 persons in the population.¹³ By 1890, the rate had risen to 131 per 100,000. The rate grew slowly until 1980, when the rate of imprisonment in the United States stood at 153 per 100,000. At that point, a major shift toward imprisonment began. While crime rates rose sharply in the middle to late 1980s, the rate of imprisonment rose far more dramatically. Today, the rate of imprisonment in this country is around 612 per 100,000 persons—close to an all-time high.¹⁴ Exhibit 1–3 illustrates changes in the rate of imprisonment over the past 160 years. Probation statistics—first available in 1935—show an even more amazing rate of growth. Although only 59,530 offenders were placed on probation throughout the United States in 1935, around 3.9 million people are on probation today.¹⁵ Finally, it is worth noting that although prison populations finally started to decrease a few years ago, much of that decrease was due to initiatives such as California’s realignment strategy (discussed elsewhere in this text), which repositioned sentenced inmates from state facilities to those at the county level—thus lowering the “official” rate of imprisonment, but not necessarily resulting in a decline in the number of people held behind bars.

Turning the Corner

While get-tough-on-crime attitudes continue to persist in American society today, they have largely been trumped by the economic realities brought on by the Great Recession of the early 21st century. State budgets have been hard pressed to continue funding prison expansion, and the number of

EXHIBIT 1–3 Rate of Imprisonment in the United States, 1850–2015



Sources: Margaret Werner Cahalan, *Historical Corrections Statistics in the United States, 1850–1984* (Washington, DC: U.S. Department of Justice, 1986); and E. Ann Carson, *Prisoners in 2014* (Washington, DC: Bureau of Justice Statistics, 2015), p. 1.

people behind bars began to show a slow decline beginning around 2010. Alternatives to imprisonment, most of which will be discussed in coming chapters, are many and include probation, fines, and community service—to which convicted offenders are being sentenced in increasing numbers. In order to reduce correctional expenditures even further, some states are using forms of early release from prison, shortening time served, reducing the period of probation or parole supervision, and shifting the responsibility of supervising convicted offenders to county-level governments (and away from state responsibility). We will examine these innovations at various places throughout this text, especially in a number of Economic Realities and Corrections boxes that are found in different chapters.

As states grappled with the economic realities of reduced revenues and constrained budgets, it became increasingly important to get the most “bang for the buck,” so to speak, out of correctional programs. Moreover, responsible legislators and other policymakers are beginning to realize that spending policies of the past will not work in the future. Recently, in her presidential address to the Academy of Criminal Justice Sciences, Melissa Hickman Barlow outlined a plan for the implementation of **sustainable justice**. Barlow defined sustainable justice as “criminal laws and criminal justice institutions, policies, and practices that achieve justice in the present without compromising the ability of future generations to have the benefits of a just society.”¹⁶ Barlow’s call for affordable justice, based on principles and operating practices that can be carried into the future without bankrupting generations yet to come, represents an important turning point in our nation’s approach to corrections and other justice institutions.

As we will see in the next chapter, the evidence-based movement in corrections, which seeks to evaluate programs and services to see which are the most effective relative to their costs, plays a widening role in correctional administration today—and should contribute much to the call for sustainable justice.

Correctional Employment

Growing correctional populations and increasing budgets have led to a dramatically expanding correctional workforce and enhanced employment opportunities within the field. In 2015, for example, the Texas Department of Criminal Justice offered a \$4,000 recruiting bonus for new correctional officers. It required a one-year commitment to work in a state corrections facility after hiring.¹⁷

sustainable justice

Criminal laws and criminal justice institutions, policies, and practices that achieve justice in the present without compromising the ability of future generations to have the benefits of a just society.



Scan this code with the QR app to hear Sentencing Project Director, Marc Mauer, discuss reducing prison populations in Texas in the face of budget constraints. The transcript of the interview can be read here: <http://www.texastribune.org/texas-legislature/82nd-legislative-session/marc-mauer-the-tt-interview/>



EXHIBIT 1-4 Careers in Corrections

Academic teacher	Field administrator	Psychologist
Activity therapy administrator	Fugitive apprehension officer	Recreation coordinator
Business manager	Human services counselor	Social worker
Case manager	Job placement officer	Statistician
Chaplain	Mental health clinician	Substance abuse counselor
Chemical dependency manager	Parole caseworker	Unit leader
Children’s services counselor	Parole officer	Victim advocate
Classification officer	Presentence investigator	Vocational instructor
Clinical social worker	Probation officer	Warden/superintendent
Correctional officer	Program officer	Youth services coordinator
Dietary officer	Program specialist	Youth supervisor
Drug court coordinator	Programmer/analyst	

According to historical reports, persons employed in the corrections field totaled approximately 27,000 in 1950.¹⁸ By 1975, the number had risen to about 75,000. Estimates published by the National Institute of Corrections (NIC) in 2014 show that a total of 761,355 government employees throughout the United States worked in corrections, with a total monthly payroll exceeding \$3 billion.¹⁹ NIC also found that the average hourly and annual wage for correctional officers and jailers was \$20.94 and \$43,550, respectively; for correctional first-line supervisors wages were \$29.31 and \$60,970, respectively; and for probation officers, it was \$25.18 and \$52,380, respectively.²⁰ Exhibit 1–4 shows some of the employment possibilities in corrections.

New prisons mean jobs and can contribute greatly to the health of local economies. Some economically disadvantaged towns—from Tupper Lake, in the Adirondack Mountains of upstate New York, to Edgefield, South Carolina—cashed in on the prison boom, having successfully competed to become sites for new prisons. Until recently, the competition for new prison facilities was reminiscent of the efforts states made years ago to attract new automobile factories and other industries.

CRIME AND CORRECTIONS

The crimes that bring people into the American correctional system include felonies, misdemeanors, and minor law violations that are sometimes called *infractions*.

Felonies are serious crimes. Murder, rape, aggravated assault, robbery, burglary, and arson are felonies in all jurisdictions within the United States, although the names for these crimes may differ from state to state. A general way to think about felonies is to remember that a **felony** is a serious crime whose commission can result in confinement in a state or federal correctional institution for more than a year.

In some states, a felony conviction can result in the loss of certain civil privileges. A few states make conviction of a felony and the resulting incarceration grounds for uncontested divorce. Others prohibit convicted felony offenders from running for public office or owning a firearm, and some exclude them from professions such as medicine, law, and police work.

Huge differences in the treatment of specific crimes exist among states. Some crimes classified as felonies in one part of the country may be misdemeanors in another. In still other states, they may not even be crimes at all! Such is the case with some drug law violations and with social order offenses such as homosexual acts, prostitution, and gambling.

Misdemeanors, which compose the second major crime category, are relatively minor violations of the criminal law. They include crimes such as petty theft (the theft of items of little worth), simple assault (in which the victim suffers no serious injury and in which none was intended), breaking and entering, the possession of burglary tools, disorderly conduct, disturbing the peace, filing a false crime report, and writing bad checks (although the amount for which the check is written may determine the classification of this offense). In general, misdemeanors can be thought of as any crime punishable by a year or less in confinement.

Within felony and misdemeanor categories, most states distinguish among degrees, or levels, of seriousness. Texas law, for example, establishes five felony classes and three classes of misdemeanor—intended to guide judges in assessing the seriousness of particular criminal acts. The Texas penal code then specifies categories into which given offenses fall.

felony

A serious criminal offense; specifically, one punishable by death or by incarceration in a prison facility for more than a year.

misdemeanor

A relatively minor violation of the criminal law, such as petty theft or simple assault, punishable by confinement for one year or less.

A third category of crime is the **infraction**. The term, which is not used in all jurisdictions, refers to minor violations of the law that are less serious than misdemeanors. Infractions may include such violations of the law as jaywalking, spitting on the sidewalk, littering, and certain traffic violations, including the failure to wear a seat belt. People committing infractions are typically ticketed—that is, given citations—and released, usually upon a promise to appear later in court. Court appearances may be waived upon payment of a fine, which is often mailed in.

infraction

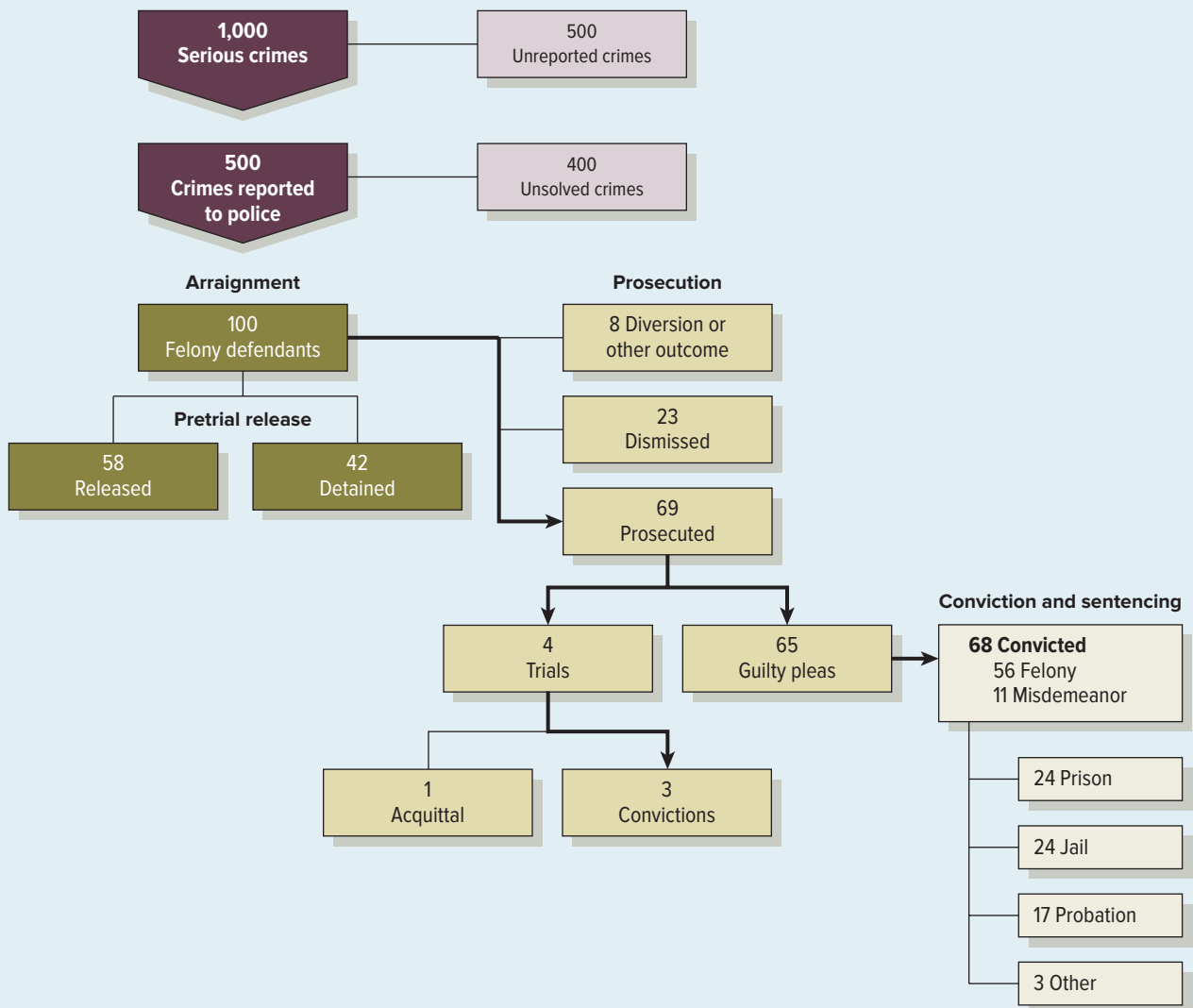
A minor violation of state statute or local ordinance punishable by a fine or other penalty, or by a specified, usually very short term of incarceration.

Measuring Crime

Two important sources of information on crime for correctional professionals are the FBI’s Uniform Crime Reporting Program (UCR) and the Bureau of Justice Statistics’ National Crime Victimization Survey (NCVS). Corrections professionals closely analyze these data to forecast the numbers and

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EXHIBIT 1–5 The Crime Funnel



Source: Derived from Thomas H. Cohen and Tracey Kyckelhahn, *Felony Defendants in Large Urban Counties, 2006* (Washington, DC: Bureau of Justice Statistics, 2010).