1 The Corrections System

LEARNING OBJECTIVES

1. To understand the basic purpose and structure of the corrections system and how it relates to the justice system as a whole.

2. To identify some of the societal factors that influence the corrections system and some of the ways that corrections impacts society.

3. To gain a critical perspective and an insight into our complex corrections system and some of the serious issues it faces, with an eye toward what works.

4. To be introduced to the enormous changes in corrections in the past 30 years, including "mass
A Legacy of Crisis and Turmoil

Tom Clements was the director of corrections in Colorado. He was gunned down at his own home in March 2013. The murder of a high-level corrections leader is very rare, but this tragic event points to many all-too-common aspects of the ongoing crisis of American corrections. The assassin was Evan Spencer Ebel, who was 28 years old and had just spent eight years in Colorado prisons, most of that time in solitary confinement. Ebel was a member of a White supremacist prison gang—the 211 Crew. He was nicknamed “Evil Ebel” by fellow inmates and had “HATE” tattooed on his hand. He committed over 28 serious disciplinary infractions while imprisoned, including threats to prison staff and assaults on both staff and other inmates. While in custody, he pled guilty to assaulting a corrections officer in 2008, for which he was to serve an additional four years beyond his original sentence. On the day he shot Director Clements, Ebel first killed a pizza delivery person, whose truck he then used to gain access to Clements’s home. In Ebel’s car, the police found bomb supplies, surveillance equipment, an assortment of guns, and handwritten directions to Clements’s address. Letters of grievance Ebel had written while in custody expressed his growing anger over his long-term solitary confinement. They also showed his frustration that authorities did nothing to prepare him for life in the community after years of imprisonment.

To make matters worse, Ebel was not supposed to be released from the Colorado prison system for another four years. Mistakes on the part of the judge and the court reporter led Colorado prison officials to release him before serving the extra time for assaulting the prison guard.

Director Clements was a well-respected corrections leader who championed the cause of penal reform. During his many years as a high-level correctional administrator in Missouri, he used his position to introduce more humane prison conditions, find additional funding for literacy and rehabilitation programs, and expand efforts to assist prisoners to successfully return home. He also advocated for curtailing solitary confinement in prisons, reducing its use in Colorado by half before his death. Clements was a devoutly religious person who believed that many prisoners could be rehabilitated.

incarceration” and its associated monetary and societal costs.

To begin to grasp the ebb and flow of correctional philosophy in the United States, and the balance point between punishment and rehabilitation.

To be introduced to the authors’ approach in this book, which encourages readers to ask why the system is the way it is, what works and what does not work to fulfill the system’s purposes, and what can be done to improve the system.
This tragic series of events illustrates many of the themes that come to light in this book. Social dynamics inside facilities contribute to very dangerous situations for staff and other inmates. Prisons continue to be plagued with racial tensions and inequities. The American prison and sentencing system is so overtaxed that errors occur: People are released who should be incarcerated, and other inmates are held illegally past their release dates. Severe mental health issues among inmates compound these challenges, and effective treatment services are all too inadequate to meet the needs of the imprisoned population. Overwhelmed and underfunded corrections officials have come to depend on the extensive use of solitary confinement and other harsh methods to manage these explosively dangerous circumstances. Although popular opinion seems to have shifted since the 2000s, generally the public either has supported this overuse of solitary and other harsh practices as fitting with a tough-on-crime approach to corrections or was simply unaware of it.

Corrections as a System

Criminal Justice and Corrections

The criminal justice system includes law enforcement (police), the criminal courts, and corrections. These three systems work in many complementary ways. Each branch of American government is involved. The executive branch runs the agencies, the legislative branch makes laws and allocates funding, and the courts review claims of law violations and sentence those convicted of crimes. Each branch plays a different role, with some overlap. Each influences the system as a whole by interpreting, shaping, and applying laws, regulations, and policies, and by making decisions that ultimately determine who is involved in the system, for how long, and in what setting.

A defendant's case progresses through the bureaucratic steps leading to a “day in court.” After being charged with a crime, a defendant may be held in custody or sent home. In either case, correctional officers are responsible for ensuring that defendants appear in court for their hearings and avoid further criminal behavior. The police assist with community supervision, and the courts make the key decisions about pretrial custody, guilt or innocence, and, if applicable, sentencing. But, the day-to-day responsibility for the defendant falls to corrections. For those convicted of a crime, this responsibility continues as the convicted individual serves his or her sentence—in the community, in jail, or in prison.

Elements of the Corrections System

The American corrections system is not really a single system, but a collection of systems and agencies, governed by laws, administrative policies, and broad constitutional provisions. We commonly use the singular system to refer to the whole. But there are actually 50 separate and distinct state systems, a federal system, and hundreds of local county or municipal corrections agencies. Each of these levels of corrections has its own function within the whole.

The U.S. Constitution and U.S. Supreme Court rulings give defendants certain rights—such as the right to legal counsel—as they are processed through each level of the system.

Grievance: An official statement of complaint about wrong done to a person. Prisoners may file a grievance with officials about infringements on their rights or unfair or inhumane treatment. Facilities must have a policy and procedure in place for processing and responding to inmate grievances.

Prison: Detention facilities operated either by state governments or by the Federal Bureau of Prisons (BOP) that are designed to hold individuals who have been convicted of crimes and who are serving sentences of a year or more.

Social tensions are present inside prisons just as they are on the outside. Inside, they are often magnified, as they become a stronger part of the inmate’s personal and group identity.
However, federal sentencing guidelines have no bearing in the state systems, except perhaps to set an example that states may adopt on their own. Each state controls its own sentencing laws and practices. The Supreme Court has also ruled that a death sentence for youth under age 18 is unconstitutional, yet capital punishment for adults remains a state decision. To encourage state compliance with laws established by Congress, the government leverages federal funding for state corrections. On a more practical level, individuals under the authority of the federal system may actually be held in a state facility, or vice versa, for reasons such as moving the inmate from one geographical region to another, allowing access to the courts, or providing otherwise unavailable medical care. Corrections also involves often complex relationships between state and local agencies. State laws and practices typically hold sway over those of local jurisdictions.

In addition to law enforcement, the courts, and elected officials, there is a wide range of important corrections system stakeholders. A variety of public and private agencies, both nonprofit and for profit, provide programming and treatment services as well as support services such as laundry, food, and maintenance. Other public agencies for health and human services are important players in corrections. Inmates often receive their medical care in the local community, such as at county hospitals or private clinics. Community groups not only provide services, especially for probationers and parolees and those in alternatives to incarceration, but also do so within facilities. Professional associations establish and promulgate standards for different aspects of the corrections system. Advocacy groups push for reforms from both the political left and right. Private philanthropy funds innovative corrections programs and research to identify and promote promising approaches. Academics and independent researchers write about corrections theory and practice, help train the next generation of correctional workers, and evaluate policy and programs. Volunteers from local communities often serve in various roles, both in community-based corrections and in facilities.

Of course, a crucial group within the corrections system is made up of corrections officers, including facility staff and probation or parole officers in the community. These are the men and women who, on a daily basis, negotiate the myriad laws, policies, and practices of a complicated and imperfect system. In many states, correctional officers have developed powerful unions and strong political lobbies to protect their interests—pay and benefits, training and education, work conditions, and other issues. The corrections workforce is changing and will continue to change into the future, with more women and people of color joining the ranks.

**Corrections and Society**

**The Purpose of Corrections: Society’s Response to Crime**

Corrections is a tough business. It is not a “feel-good” proposition; on the contrary, it is rooted in basic human conflict. It exists to help society deal with some of its most difficult problems, such as violence. The purpose of corrections is to fulfill society’s need to respond to criminal behavior. The goals of the response are to stop the offensive behavior, reduce the likelihood it will happen again, and make the offender pay some price.
Put in more academic terms, the purposes of corrections are **incapacitation**, **deterrence**, and **retribution**.

Incapacitation means removing a person from society and limiting his or her opportunities to commit more crime. The individual is incapacitated through restricted freedoms—usually involving imprisonment in prison or jail, supervision in the community, or both. Fines, community service, and other elements of sentencing are also considered incapacitation, because they limit the ability of the individual to engage as freely in other endeavors.

Deterrence means steering a person away from lawbreaking behavior with the threat of punishment—implicitly or explicitly. The possibilities or the reality of punishment and the denial of freedom are meant to make the criminal or potential criminal avoid future crime.

Retribution, or punishment, means exacting a sacrifice on the part of the offender in payment for the wrong done to victims and to society. Society achieves retribution by demanding that the convicted person give back, in the form of jail or prison time, fines, community service, or compensation to those harmed by the criminal behavior. Practically speaking, when people speak of accountability, they most often mean retribution.

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*Figure 1.1* Incarceration Rates of World Nations

**International Perspective.** The developments in U.S. corrections fits within a global framework, which lends itself to aid us in comparing and contrasting corrections issues in the United States to those of other nations. Other countries, even those we consider to be less “developed,” rely far less on incarceration than our country does to respond to nonviolent crimes. Looking at international statistics, the United States tops both lists—the largest number of incarcerated persons and the highest incarceration rate (716) of all nations on earth. Of the 223 listed nations, all but 34 have incarceration rates below 300. In 2011, nearly 24% of all of the world’s prison and jail inmates were locked up in the United States, which had less than 5% of the world’s population. Source: International Centre for Prison Studies, World Prison Brief, 2013.
Rehabilitation, or returning a person to a state of readiness to rejoin and contribute to society, is arguably a fourth purpose of corrections. Some believe that facilitating rehabilitation is a responsibility of the government and of society. Others might not call it a “purpose” but admit that time spent under correctional control provides an opportunity for rehabilitation that should not be wasted. Finally, many believe rehabilitation really has no place in corrections and that it amounts to pampering or special help to unworthy individuals.

The Fiscal Impact of Corrections

After decades of stability, the American corrections system grew at a dizzying rate between 1980 and 2011. As the U.S. general population grew by 37% in that period, the prison population grew by 371%—10 times as much. The number of jail inmates tripled (up 304%), and the number of persons on probation and parole rose by 225% and 287%, respectively. By 2011, there were almost 2.4 million Americans incarcerated in prisons and jails and almost 7 million under all forms of correctional supervision. This equates to 1 in every 34 adult residents of the nation being under some form of correctional supervision. Meanwhile, rates of serious and violent crime have fluctuated somewhat but have generally declined since 1995.

Table 1.1: Federal, State, and Local Justice System Expenditures, 2010

<table>
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<th>Activity</th>
<th>Federal ($ in billions)</th>
<th>State ($ in billions)</th>
<th>Local ($ in billions)</th>
<th>Total ($ in billions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police Protection</td>
<td>32</td>
<td>14</td>
<td>83</td>
<td>124</td>
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<td>Judicial and Legal*</td>
<td>14</td>
<td>22</td>
<td>22</td>
<td>56</td>
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<tr>
<td>Corrections</td>
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<td>49</td>
<td>27</td>
<td>80</td>
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<tr>
<td>Total Justice System</td>
<td>54</td>
<td>85</td>
<td>132</td>
<td>261</td>
</tr>
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</table>

The corrections system costs a lot of money. In 2010, the United States spent $80 billion on corrections—$9 billion in the federal system, $49 billion in the states, and $27 billion locally. These costs have been rising due to growing client populations and increasing legal requirements to meet basic standards of humane treatment and constitutional rights. Source: Kyckelhahn and Martin, Justice Expenditure and Employment Extracts 2010—Preliminary, 2013.

Note: Dollar amounts may not add to totals due to rounding. *Includes civil and criminal law.

The movement toward mass incarceration has come with equally massive costs. The fiscal costs just mentioned are but one side of the story. Society as a whole pays the social price of mass incarceration. No citizen is immune from the threat of crime. Society’s successes or failures in stopping criminal behavior ultimately dictate the state of health of the social environment and the economy. What goes on in prisons and jails spills out into community life. That said, some sectors of society are more directly affected than others.

Influencing Social and Political Factors

Although today’s high rates of incarceration suggest that imprisonment is an essential part of corrections, there have been times in U.S. history when it was the exception rather than the norm. Labor was in such short supply in the colonies and young states of the 18th century that lawbreakers were rarely imprisoned—their work was too important to the
economy. Jail and prison populations typically come from impoverished, (usually) inner-city communities with high unemployment. These communities are further weakened and marginalized by the incarceration of large portions of their residents. This concentrated impact of incarceration is not widely associated with a weakened economy by policymakers and state voters. So the cycles of intergenerational crime and system involvement continue, with only some communities bearing the brunt of the larger society’s decisions. Taxpayers all support this expensive system. But marginalized communities suffer the most, with perennial unemployment, low educational achievement, communicable disease, and tense relationships with public service agencies, among other ills.

Many factors influence which individuals are incarcerated, for what crimes, and for how long. Lawmakers, judges, and the voters determine which behaviors constitute a crime and what sentence is appropriate for those crimes. Police strategies and tactics come into play, for instance, on how police focus their resources, on what types of crime, and in what neighborhoods. The police often choose their tactics as a response to public concern—whether or not that concern is based on fact—or to the political crusades that follow in the aftermath of horrendous crimes.

District attorneys (prosecutors) typically have a significant amount of discretion about which cases to pursue and what specific charges to file with the court. These are decisions that have a huge impact on the eventual sentence, especially in this age of determinate sentencing, where the court’s discretion is limited and where charging youth in adult court has become commonplace.

Corrections departments play a role in how much of the sentence is served and who returns to custody after release. They influence how probation and parole departments and the courts respond to probation and parole violations—whether to incarcerate or use alternative sanctions—and what services and supports are in place to help system-involved men and women avoid violations in the first place.

Prison administrators influence the incarcerated population, as they decide how to respond to inmate misbehavior. Infractions on an inmate’s record can extend his or her time behind bars. Furthermore, inmate behavior is to some extent a function of conditions of confinement, facility services and programming, and the training and expertise of corrections officers. Overcrowded inmate populations become harder to control, leading to more behavior problems and a greater likelihood that inmates will be unprepared for successful reentry. Prison officials also serve on parole boards in many states, and thus make decisions about who is granted parole and who is returned to prison after parole violations.

Public health agencies, which are often responsible for correctional health care services, also play a role in this system. Community residents with mental health issues who fall through the cracks of the public health system often end up in corrections. Inmates who receive inadequate treatment are more likely to have longer stays in the system and a harder time reentering.

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Violation: An act that violates or breaks the law.
IN THE COURTS

Introduction to the Courts

This feature—In the Courts—explores a pivotal case that relates to the chapter subject. (The exceptions are Chapter 10, “Law and Corrections,” which itself is a survey of many legal cases that have challenged the criminal justice system, and Chapter 14, “Death Row and the Death Penalty,” which presents capital punishment through the lens of related legal challenges.) The selected case highlights one aspect of the larger topic; the cases are selected from any number of possibilities, as each chapter subject is a vast territory. Students may find their curiosity sparked and follow up on their own with other relevant cases. In so doing, a student is likely to find that the courts provide a rich venue for exploring the complexities of legal challenges to policies and practice.

In the United States, there are two main adult court systems—federal and state. These are not entirely independent; they interact in some situations. Each state has its own constitution and body of laws that fall under the jurisdiction of the courts of that state. There are also local courts at the municipal or county level. The federal system and each state system are structured as a hierarchy of courts, including the lower trials courts, the courts of appeals, and the Supreme Court. A party dissatisfied with the outcome of one court may appeal to a higher court for judgment. A case that originates in a state trial court may be tested and appealed in higher courts. A few cases go all the way to the U.S. Supreme Court for a final ruling.

The U.S. Supreme Court is the highest federal court, the ultimate word on the cases it hears. Parties from the appellate courts may request that the Supreme Court hear and judge the matter in the case. This is also true with state supreme courts. The Supreme Court is not obligated to hear cases and selects those that affect constitutional rights and those that the justices feel merit the Court’s attention.

The federal courts are organized in 12 regional circuits. They handle such issues as U.S. constitutional law, U.S. treaties, disputes between states, military matters, bankruptcy, and other matters governed by federal law. State courts hear most cases having to do with criminal matters, estates, contracts, and family matters. Some cases may be heard in either system, for example, class-action cases or some civil cases that are brought against an individual or organization (defendant) by the government on behalf of society (prosecution). The crime may or may not involve one or more victims. Civil cases involve one party, called the plaintiff, claiming against another, called the defendant, that there was a breach of legal duty that caused personal or financial injury. A guilty verdict in criminal cases results in a sentence, which may involve a penal sanction such as prison or probation, whereas a judgment against the defendant in civil court usually results in a financial penalty, referred to as “damages.”

Federal judges are appointed by the president and confirmed by the Senate. State judges may be elected or appointed. Some trials are decided by juries; some are decided by judges (bench trials). Each side in the dispute usually has an attorney or a team of attorneys that represents the defendant or plaintiff. The district attorney is the prosecutor on behalf of the government. The public defender is the government-appointed attorney for defendants who cannot afford private counsel. The courts are staffed with many other personnel including bailiffs, court reporters, and clerks.

Court procedures are governed by complex sets of rules to which all parties, including the judge, must adhere. The civil court process has various stages—pleading (or indictment in criminal court), pretrial, trial, and posttrial. Pretrial activity in civil cases is intended to streamline the court process and increase court efficiency. It includes depositions, sharing of evidence and witness lists, and motions (requests for action) to the courts. In serious criminal cases, a grand jury (up to 23 jurors) may convene to determine whether there is enough evidence to issue an indictment against the defendant and to go to trial. Criminal cases include an arraignment in court, where the defendant hears the charges and submits a plea of guilty or not guilty to the court.

The in-court trial process involves jury selection, opening statements, presentation of evidence, and closing arguments. When the trial is complete, it is followed by the judgment, from either the jury or the judge, and the pronouncement of the sentence or damages. The losing party may decide to file an appeal with a higher court to review the case and determine whether the law was followed properly in the first trial.
And, finally, funding affects everything else. Insufficient funding reduces the number of cases courts can effectively process, reduces the likelihood that services will be in place to help defendants avoid pretrial detention, reduces the identification and treatment of health and mental health issues, reduces the availability and quality of both facility- and community-based programming and services, and generally reduces the ability of correctional agencies to maximize the chances of inmates completing their sentences without incident and successfully reintegrating into their communities.

A Critical View of the System

The nation’s corrections systems have always been underresourced and challenged with violence, abusive practices, scandals, and other severe problems, but the sudden and unprecedented growth in incarceration at the end of the last century helped fuel an explosive crisis reflected in prison violence, riots, increasing civil rights violations, and a lack of public confidence. In the early 21st century, more and more commentators began referring to the “rise of mass incarceration” to describe the scale of the national correctional landscape. The obscenely high rates of people of color compared to Whites in the corrections system have resulted in this mass incarceration being dubbed the “New Jim Crow.”

Dramatic stories of the breakdown in corrections come from all corners, from coast to coast.

In July 2012, the Federal Bureau of Investigation (FBI) was brought into the Los Angeles (LA) jails to investigate the excessive use of force against jail inmates by the county’s deputy sheriffs. There had been no internal investigations, despite a score of complaints. Some of these deputies formed a clique, wearing skeleton tattoos and operating as if they were a street gang. Other deputies were accused of having sex with female inmates and participating in drug trafficking inside the jail and in the surrounding community. Although some top managers at the LA County jail have been terminated, there are all too few signs of fundamental reform.

About a year later, in the Baltimore City Detention Center, federal prosecutors handed down criminal indictments of 13 female corrections officers who permitted members of a prison gang, the Black Guerrilla Family, to operate criminal enterprises from the jail, including gun and drug smuggling and prostitution. Several of the indicted officers were having sex with inmates, and four of them became pregnant from these jailhouse liaisons. Some of the corrections officers were taking in more than $15,000 a month selling contraband in the jail. The indicted officers were allegedly retaliating against inmates who refused to participate in these criminal acts. In November, 2013, 14 additional correctional officers were arrested for their participation in the conspiracy, revealing that the scandal was more widespread than the original reports indicated. At that point, nine of the charged officers had pleaded guilty, six current employees were placed on leave without pay, and the rest were charged but had not entered a plea. In both Los Angeles and Baltimore, jail administrators did not dispute the findings of the FBI investigations but claimed that they had been unaware of the gravity and extent of the lawbreaking by jail employees.

Without a doubt, the imprisonment and control of other human beings, especially on this scale, is extremely complicated and fraught with risk; without a doubt, corrections officers and administrators have high-pressure and difficult jobs. Further, for decades the public has been willing to send thousands of people to prison while voting for reduced funding. They have also been willing to cry foul and blame corrections staff when horror stories arise, as they inevitably do. This book takes a hard look at all aspects of the system, with an eye toward areas that can be improved for the good of all—prisoners, probationers, parolees, correctional staff, and the public.
A Keen Eye Toward the Future

There are signs that suggest that the current era of mass incarceration may be abating. The global fiscal crisis that began in 2007 has expanded the national awareness of wasteful spending in all public sectors. Suddenly, we began to see a more pointed scrutiny of public expenditures. In state and federal corrections budgets alike, this scrutiny has resulted in pressure to reduce prison and jail populations. People have begun to recognize that budgets are finite and that incarceration is simply too expensive to use so liberally. The notion is slowly taking hold that incarceration should be reserved for the most serious crimes and the most dangerous individuals. Although driven by economic issues, this change is also supported by research, which shows that the most effective way to reduce recidivism is to concentrate resources on the highest-risk individuals and to address lesser offenders accordingly. This is a refrain that criminologists have been singing for many years. To date, real movement in this area has been limited to a few states. However, after decades of constant growth, the total U.S. correctional population declined in three consecutive years beginning in 2008.

Some states are letting local corrections (versus state systems) manage a larger share of offenders—a strategy referred to as “realignment.” Some are modifying their mandatory minimum sentencing schemes and allowing judges far more discretion to reduce sentences to more appropriately fit the crimes. Efforts are also being made to change sentencing practices that have produced stark inequities in sentence lengths for Whites versus people of color who committed similar offenses. These efforts should have the effect of both reducing disparities in the rates of incarceration for people of color and reducing the overall incarcerated population. Many jurisdictions are increasing their use of alternatives to detention, which in turn reduce the number of inmates in jail awaiting trial, and alternatives to incarceration, which allow convicted persons to serve a sort of enhanced probation in the community instead of serving time in jail or prison. Reduced
crowding in custody helps allow effective programming to take place. Rehabilitation cannot be accomplished in overcrowded facilities. Agencies are changing their response to probation and parole violators; those who, in the past, would have found themselves behind bars after a violation instead receive increased scrutiny and programming in the community. More broadly, attitudes have been changing about how to respond to those who have committed nonviolent, nonsexual, and nonserious crimes, with the new assumption being that these individuals can be supervised in the community without unduly increasing the risk to public safety.

What is making all of these ventures possible is an underlying sea change that is gathering strength and viability. For the first time since the early 1980s, the posture of tough-on-crime thinking is giving way to smart-on-crime approaches. The political litmus test for candidates running for office has been an adherence to harsh punishment, such as longer sentences for more crimes or maintaining the death penalty. Punishment alone is finally losing its credibility as the most effective penal strategy. Gradually, the simplistic notion that we just need to lock up the troublemakers has been eroded. In its place is a more complex and realistic view that we must have a variety of solutions to deal with a hugely varied set of problems.

Only recently have legislators reached across the aisle to develop bipartisan proposals for reducing incarceration and the related costs. We are now seeing new partnerships between Republican and Democratic leaders; both concede the occurrence of devastating collateral damage—the unintended consequences—of throwing the book at everyone. A growing chorus of elected officials, professionals, and reformers is demanding smarter and more creative correctional practices. Even far-right conservatives, such as members of the think tank Right on Crime, see the fiscal sense in reforming sentencing policy and relying on more targeted correctional approaches such as diversion and treatment.

Dick Durbin (D) of Illinois and Mike Lee (R) of Utah joined forces to create the Smarter Sentencing Act of 2013. This legislation was meant to give judges more discretion to sentence nonviolent criminals below restrictive mandatory minimums. The idea was to reduce mandatory minimums for several drug crimes, thereby lowering costs and cutting down on crowding in a prison system that is estimated to be operating at a national average of 40% more than its capacity.

Attorney General Eric Holder, the nation’s highest law enforcement officer, in 2013 revealed his position on corrections issues to be solidly rooted in principles of reform and a more rational, multifaceted strategy for controlling crime and criminals.

Public opinion seems to be broadly shifting to a less punitive direction for drug users and other minor property crimes. Taxpayers have rebelled against an ever-larger share of public funds being consumed by the criminal justice system, especially for things that do not improve behavior or conditions. It makes more and more sense to more and more people to use methods that are based on solid data and research. Many are calling for a renewed national commitment to what works.

On the other hand, in some locations, legislators and the citizenry have called for increasingly harsh penalties for sex offenders. And some commentators maintain that reduced crime rates are a direct consequence of longer prison terms for more crimes. This text explores the political dynamics of correctional practices and whether and where there may be prospects for new alliances on behalf of more rational and effective policy.

There is renewed impetus, and thus a momentous opportunity, to rediscover the potential of rehabilitation and treatment in corrections after several decades in which the conventional
wisdom said that “nothing works” to reclaim the lives of offenders. Even sociologist Robert Martinson, who famously made such claims, later recanted them.

Although Martinson (1974) is routinely cited as finding rehabilitation ineffective, few policymakers paid attention to other publications in which he suggested that the problem with correctional programs, regardless of their design, is the “life-cycle damage” they cause. The problem with rehabilitative programs is not the construction of any particular program or service offered. Rather, ineffectiveness was a result of disrupting people’s lives—usually young people most in need of educational and job skills training—by placing them in prisons for long periods of time. Incarceration, then, potentially creates the very condition it seeks to eliminate—reoffending—by removing people from society and weakening employment and educational opportunities, fostering criminal associations, stifling the growth of social bonds and ties to conventional society, and dehumanizing and stigmatizing offenders. The community corrections field, ironically, is founded on the realization of the potential for life-cycle damage due to institutionalization, as officers individualize supervision and treatment components to most effectively address offender risks and needs. This is a quest to find what, if anything, works, and if something works, whom do such programs work best with?

Of course, much will depend on whether evidence-based reform efforts are implemented with fidelity to their designs and without compromising the original intent and integrity. This book takes a careful look at what is wrong with the corrections system and poses questions about promising reform strategies and directions that can help. Is there a science to reducing recidivism, and what will it take to fully implement best practices?

SUMMARY

Ultimately, the goal of this text is to instill a sense of critical thinking in its readers. Corrections is not a steadily progressing series of developments marching toward fairer and more humane treatment of offenders, nor is it the case that all corrections workers are heartless individuals who want to exact revenge on the people they control and supervise. A realistic picture of the correctional system—one that allows for a necessary and critical review—must present its particularities and complexities. Only in so doing can there be an effective and thoughtful discussion of what it will take to transform the system to meet the needs of a new age.

DISCUSSION QUESTIONS

1. How does the case of Ebel and Clements point to serious issues facing today’s corrections system?
2. What is the public’s responsibility to be aware of correctional practice? What is the state’s responsibility to maintain transparency?
3. Discuss ways that the law enforcement and corrections systems interact.
4. What are some ways that states have correctional autonomy apart from federal policy?
5. What is the purpose of the corrections system?
6. What are four aspects of that purpose?
7. Discuss ways that our society pays for mass incarceration.
8. What do you think of the U.S. incarceration rate, especially compared to that of other nations?
9. Who has influence over corrections policy?
10. What do you think needs to be done to address the crisis in American corrections?
KEY TERMS

Civil rights, 10
Community supervision, 4
Conditions of confinement, 10
Corrections, 4
Custody, 4
Dehumanization, 13
Detention, 10
Deterrence, 6
Grievance, 3
Incapacitation, 6
Jurisdiction, 5
Litmus test, 12
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Rehabilitation, 7
Smart on crime, 12
Solitary confinement, 3
Violation, 8

NOTES

1. Estes 2013
2. Greene 2013b
3. Greene 2013a
4. International Centre for Prison Studies 2013
5. U.S. Census Bureau 2013
6. Glaze and Parks 2012
7. Kyckelhahn and Martin 2013
8. Alexander 2012
9. Los Angeles Times 2012
10. Duncan and Anderson 2013
11. Marimow 2013
12. Lowenkamp, Latessa, and Holsinger 2006

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