Learning Objectives

- Discuss the historical significance of prisons and their influence on today’s institutions
- Discuss how jails are similar to and different from prisons
- Compare the differences between federal, state, private, and military prisons
- Identify the different security levels of prison institutions
- Discuss how issues such as racial disproportionality, overcrowding, and prison misconduct impact the management of prisons
- Discuss how the Supreme Court has interpreted the Bill of Rights for inmates
- Identify the challenges that correctional officers face on the job
In April 2018, Bill Cosby was found guilty on three counts of aggravated indecent assault for sexually assaulting Andrea Constand in 2004. He faces up to 10 years in prison for each count. At 80 years of age, he would likely serve his sentences concurrently. Prison would certainly be a change of lifestyle for Cosby, a multimillionaire who owns homes throughout the country. Following sentencing, if he is to serve time in prison, he would be sent to the Correctional Diagnostic and Classification Center at Camp Hill in Cumberland County, which is where all new male inmates in Pennsylvania State enter the system. The intake and evaluation process can take anywhere from a few weeks to several months. Based on the information gathered, which would cover Cosby’s health care and psychological needs, security classification, and treatment programming needs, he would be assigned to one of the 23 facilities that houses men. In addition to being one of the oldest men in custody, he would also be one of the few who is legally blind. In similar cases, inmates with vision issues have been assigned a sighted inmate who is paid prison wages (currently between 19 and 42 cents an hour) to assist them as they move throughout the facility.

Certainly Cosby’s celebrity status would separate him from other inmates. He would likely receive more mail and have access to increased funds in his commissary account to purchase things such as food, over-the-counter medications, and hygiene products. While it is unclear what type of facility Cosby would be housed in, some celebrity or high-profile offenders have been held in administrative segregation or protective custody to keep them safe. In these types of cases, there is concern about what another inmate might do to a high-profile inmate to catch his or her 15 minutes of fame. Some protective housing units, such as the one at Corcoran State Prison in California, allow inmates to spend time in a day room where they can play chess or work on their case with the assistance of inmate lawyers. Other secure housing units isolate inmates and keep them in their rooms 22 to 23 hours a day. They are let out to shower and exercise alone in a small gated recreation area.

Regardless of where he might be housed, Cosby’s life would be different from the typical inmate, who often receives a work assignment and has to deal with the politics of general population. But it is also fair to say that prison life would be a far cry from the life he has experienced on the outside.

In this chapter, you will learn about the structure of prisons and jails in the United States. The chapter begins with a historical review of how prisons and jails developed. It then looks at the current state of jails and the different types of populations that these facilities serve. The chapter then turns to a review of prisons and highlights how issues such as security levels impact the design and organization of a facility. You’ll then learn about life behind bars and how issues such as violence, programming, and health care can impact the quality of life of inmates. You’ll also learn about the legal rights of prisoners and how landmark Supreme Court cases have impacted the prison environment. Finally, you’ll hear about the role of correctional officers in the prison. The chapter concludes with two Current Controversy debates. The first, by Brett Garland, discusses whether solitary confinement should be used to control inmates. The second, by Sean Wilson, asks whether prisons should punish or rehabilitate inmates.

**History of Jails and Prisons**

A prison is a facility that is designed to house individuals for a period of time as a form of punishment for breaking the law. The concept of the prison is a relatively new one in approaches to punishment. Historically, jail facilities were used to hold people until their punishment was carried out.

Jails began to emerge in the Americas at the same time that the English settlers first arrived (Figure 11.1). Incarceration was not the typical form of punishment for much of history; preferred forms included whippings, fines, the stocks, and sentences of physical labor. Given their limited use, jails were rather small in size. For example, the city of Philadelphia built its first jail in 1683—a five-by-seven-foot cage. Another of the earliest jails was the Old Gaol in Massachusetts. Built in 1690, the jail was in use until 1820 and remains standing today as the oldest wooden jail in the United States. Jails such as the Old Gaol were used as pretrial detention facilities, not as places of incarceration.

**Prison:** A facility that is designed to house individuals for a period of time as a form of punishment for breaking the law.

**Jail:** Correctional facility that is used to hold people until their punishments are carried out. Also used to incarcerate misdemeanor offenders and may offer specialized programs.

**Walnut Street Jail in Philadelphia was the first penal institution to use individual cells and work details for inmates. What role did labor play in these early correctional facilities?**

© Library of Congress/Prints and Photographs Division/James Peller Malcolm
The conditions of these early jails were very poor. They were often overcrowded, and prisoners were required to pay their own way, including buying their own food. Facilities lacked adequate space and often did not have basic necessities such as heating, water, or plumbing. There was no form of segregation among the prisoners, and everyone was housed together, regardless of sex, health, or crime. Due to the high levels of death and disease within the jail walls, reformers set out to change the poor conditions of these facilities. For example, the Walnut Street Jail in Philadelphia first opened in 1776 and was designed to serve as a workhouse. However, this purpose was short-lived as it was reappropriated as a military prison until 1784. By 1789, the jail was being used more as a prison for offenders serving out their sentences. As a result, the facility became known for its use of solitary confinement and hard labor.8

The Pennsylvania System

Meanwhile, the birth of the American prison was the first time that the idea of imprisonment in and of itself was used as a source of punishment. During the early nineteenth century, two penitentiary systems developed. The Pennsylvania system was characterized by larger cells that allowed inmates to remain isolated from each other. This system of solitary confinement was developed to prevent inmates from corrupting one another. Hard work and religious reformation were the key features of this system. The cells at Eastern State Penitentiary in Philadelphia were large enough so that inmates could engage in work within their cells. Religion was a significant component of the rehabilitative efforts in the Pennsylvania system. Prayer and reflection were viewed as ways in which inmates could reform themselves. Alas, facilities in this system quickly began to fill to capacity and beyond. In addition, officials noted that the regular use of solitary confinement had a significant and negative impact on the mental health of the inmates.9
The New York System

While the New York system featured many of the same components of Pennsylvania’s separate and silent system, there were also some notable differences. The cells at Auburn Prison were smaller than those at Eastern State, and inmates engaged in congregate labor systems, which allowed them to work side by side, although they were prohibited from communicating with each other. As more states began to experiment with penitentiary systems, the New York system became more popular because it allowed facilities to house more individuals and benefit from prison labor on a larger scale. However, it wasn’t long before even these penitentiaries found themselves struggling with issues of overcrowding and disciplinary issues. As a result, New York and others began to scramble to build more prisons. In 1826, a group of inmates from Auburn were sent to the banks of the Hudson River, north of New York City, to build the next prison. This facility was called Sing Sing, and it first opened in 1831, with 800 cells. Over time, more units were added to increase the number of inmates that could be housed. The days at Sing Sing were filled with corporal punishment and abuse of the prisoners in the name of “rehabilitation.” Sing Sing was also made famous by its use of the electric chair, which was used to execute 614 people between 1891 and 1963.

The Reformatory Era

Amid concerns that the penitentiary was unsuccessful, a new group of reformers suggested that the key features of solitary confinement and fixed sentences were ineffective and provided little incentive for inmates to rehabilitate. The reformatory era emerged in 1876 at New York’s Elmira Reformatory. Elmira utilized features such as good time credits, which allowed inmates to earn time off of their sentence for good behavior. Led by Zebulon Brockway, Elmira was dramatically different compared with the institutions of the past. When an inmate arrived at the institution, he was evaluated not only to determine what led to his criminal behavior but also to assess his aptitude for work and rehabilitation. This information was used to develop an individualized plan for his time behind bars. Brockway used an incentive system to motivate offender behavior changes. For example, inmates were allowed to earn statuses, which allowed them greater freedom of movement as well as privileges such as access to the mail and prison libraries. This era also saw the introduction of parole as an early release program to reward inmates’ rehabilitative efforts. Despite all its positive aspects, the system came under fire at the turn of the century for its continued use of corporal punishment.

In addition to the emergence of reformatories, many states retained the use of custodial institutions during this period. In custodial institutions, inmates were simply warehoused, and little programming or treatment was offered. The custodial institution was more popular with southern states. In cases where a state had both a reformatory and a custodial institution, the distribution of inmates was made along racial lines: Custodial warehoused, and little programming or treatment was offered. The custodial institution was more popular with southern states. In cases where a state had both a reformatory and a custodial institution, the distribution of inmates was made along racial lines: Custodial institutions were more likely to house inmates of color who were determined to have little rehabilitative potential, while reformatories housed primarily White inmates. Black inmates were also sent to work on state-owned penal plantations under conditions that mimicked the days of slavery in the South. Louisiana State Prison at Angola (which is still in operation today) was originally a slave plantation back in the 1840s. Its name references the origin of the many African slaves who arrived from Angola, a country in southern Africa. After the abolishment of slavery in the United States, many regions in the South used convicts in areas where slaves once worked. The convict lease system allowed states to manage a large number of inmates without bearing the high cost of their incarceration. While the convict lease system was extremely profitable since workers received little compensation, inmates were often treated very poorly.
The Punishment Era

The failures of the reformatory era sent the pendulum swinging back to a focus on punishment over rehabilitation. Between 1900 and 1940, the punishment era dominated the prison landscape. Prison labor became popular once again, particularly in the South, where convicts were leased to local farms and plantations. The number of prisons continued to grow, and high-security facilities such as San Quentin, Stateville, and Alcatraz began to emerge. By the 1940s, a post–World War II America had once again decided that a punishment model did little to curb the rising rates of criminal behavior. The next four decades saw a return to rehabilitation with the introduction of therapeutic treatments and education. However, as crime rates increased during the 1980s, rehabilitation once again fell out of favor with the public and punishment returned to center stage.

Jails

Today, jails are used to house individuals who are awaiting criminal prosecution and who either are not eligible for bail or cannot afford it. Jails can also house individuals with shorter-term sentences or serve as a transfer facility for juvenile offenders, individuals with mental health issues or immigration violations, and individuals who are being held for a probation or parole violation. Jails can also operate community-based programs such as work release, day reporting, and other alternatives to incarceration. Unlike prisons, which are run by a state or the federal government, jails are managed by local city or county governments and are often staffed by the local police or sheriff.

Jail Inmates

By mid-2016, an estimated 740,700 individuals were housed in local jails. Eighty-five percent of all jail inmates are men, and Whites make up the majority (48.1%) of all inmates, compared with 34.4% for Blacks and 15.2% for Hispanics (Figure 11.2). However, these data capture only a snapshot of a specific day. If we look at the total number of inmates who were housed in local jails between June 2015 and June 2016, we see that more than 10.6 million persons were admitted to local jails over the course of a year. While 35% of inmates in local jails have been convicted of a crime and are serving out their sentences, the remaining 65% are waiting for their cases to proceed through the system. In addition to these populations, another group of offenders often falls under the jurisdiction of the jail but is not housed within the facility. This group is enrolled in various programs such as weekend incarceration programs, forms of alternative monitoring, work release, and treatment-based programs, all of which will be covered in greater detail in Chapter 12.

In addition to jails that are run by local authorities, 80 jails are operated by tribal authorities and the Bureau of Indian Affairs. These facilities house individuals who are arrested or sentenced for crimes that occur on tribal land. These are generally short-term facilities, and the average length of a stay in 2016 was eight days. Like regional jail facilities, the majority of offenders housed in tribal facilities are male. Thirty percent of inmates are in custody for violent crimes, and cases of domestic violence make up 14% of these offenses. Fifty-five percent of those housed in Indian country jails have been convicted of a crime.

Jail operations require different types of staff to manage the day-to-day needs of the facility. In 2016, local jails employed 226,300 full-time staff. Seventy-nine percent were custodial staff responsible for the security and safety of the inmates. The remaining 21% were noncustodial staff and included administrators, professionals such as teachers and medical staff, and clerical and maintenance workers. Like the inmate population, the majority of jail employees are male; men make up 70% of correctional officers and 44% of noncustodial staff.
Jail Challenges

Jails face several significant challenges. As short-term facilities, their population is constantly changing. In 2016, the average amount of time that an offender spent in jail was 25 days. In states such as Idaho, Oregon, and South Dakota, the average stay was only 12 days. Given these short time frames, it can be difficult to provide meaningful management of these offenders, many of whom have significant issues that have impacted their trajectory to jail. For example, 40% of jail inmates report at least one disability. These disabilities, which include limitations in hearing and vision, cognitive deficiencies, and compromised independent-living skills, can have a significant impact on inmates. Jail inmates with a disability are 2.5 times more likely to have experienced serious psychological distress in the month prior to their time in jail. The presence of a disability often co-occurs with other chronic conditions, such as mental disabilities like depression, anxiety, and schizophrenia. Female inmates are more likely to report a disability than male inmates, and women are more likely to suffer from a cognitive disability. These can include issues such as learning disorders, dementia, or traumatic brain injuries.

Recently, a number of high-profile cases have occurred in which inmates died in custody. In 2013, 967 inmates died while in the custody of local jails, an increase over previous years. The most common cause of death in custody is suicide, which accounts for over one-third of all jail inmate deaths. Twenty-eight cases were characterized as homicide, either by other inmates, as a result of staff use of force, or from injuries sustained prior to being admitted to the facility. The U.S. Supreme Court has held that the use of excessive physical force against a prisoner may constitute cruel and unusual punishment if the force is deliberate and malicious.
Types of Prisons

There are several different types of prisons. Federal prisons house individuals convicted of violations of federal law. In addition to the federal prison system, each state maintains its own prison system. While the majority of offenders are held in government facilities, both the federal and state prison systems have used private prisons to help deal with the prison overcrowding crisis over the past four decades. There are also military prisons that house individuals who are members of the armed forces who engage in criminal behavior. Finally, there are psychiatric prisons that house offenders who either have significant mental health issues or were found guilty but mentally ill by a court of law.

State Prisons

At the end of 2016, there were 1,316,200 inmates in state prisons nationwide. The rate of incarceration was 582 adults per 100,000 residents. While the incarceration rate has fallen 29% since 2006, the number of individuals incarcerated in prisons has increased substantially since the 1980s. Texas has the largest number of people incarcerated in the United States, with 163,703 inmates. Between 2015 and 2016, Alaska saw the greatest decrease in its prison population. However, this is due to the fact that the state’s prison population is not very large, which means that the difference of just a small number of inmates can lead to a significant statistical change. In the case of Alaska, the prison population changed from 5,338 in 2015 to 4,434. While this change is equal to only 904 prisoners, it represented a 16.9% decrease overall. In comparison, Florida’s prison population fell 1,450 prisoners between 2015 and 2016, but this represented only a 1.4% total reduction.

In terms of severity, 54.5% of all inmates are in state prison for violent offenses, compared with 18.0% for property crimes, 15.2% for drug crimes, and 11.6% for public order offenses. While men are more likely to be incarcerated for violent crimes, women are more likely to be incarcerated for property and drug-related offenses (Figure 11.3). In terms of race and ethnicity, Blacks (58.8%) and Hispanics (60.2%) have higher rates of incarceration for violent offenses than Whites (47.1%). In comparison, Whites have

State prisons: Prisons used to hold offenders convicted of state criminal law violations.

FIGURE 11.3

State Prison Populations by Offense, 2016

<table>
<thead>
<tr>
<th>Gender</th>
<th>Violent</th>
<th>Property</th>
<th>Drug</th>
<th>Public order</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic</td>
<td>60.2</td>
<td>12.8</td>
<td>13.9</td>
<td>12.7</td>
<td>0.4</td>
</tr>
<tr>
<td>Black</td>
<td>58.8</td>
<td>15.2</td>
<td>14.4</td>
<td>11.2</td>
<td>0.4</td>
</tr>
<tr>
<td>White</td>
<td>47.1</td>
<td>24.0</td>
<td>15.1</td>
<td>12.9</td>
<td>0.9</td>
</tr>
<tr>
<td>Female</td>
<td>37.0</td>
<td>26.9</td>
<td>24.9</td>
<td>10.2</td>
<td>1.0</td>
</tr>
<tr>
<td>Male</td>
<td>55.9</td>
<td>17.3</td>
<td>14.4</td>
<td>11.7</td>
<td>0.7</td>
</tr>
<tr>
<td>All prisoners</td>
<td>54.5</td>
<td>18.0</td>
<td>15.2</td>
<td>11.6</td>
<td>0.7</td>
</tr>
</tbody>
</table>

Prisons in Russia

During the Soviet era, prisons were not only used as a source of workers that could help support the development of the economy; the experience of incarceration was also used as a tool for political indoctrination. Under Joseph Stalin’s rule, the Soviet Union utilized a system of forced labor camps known as the Gulag. These camps were generally located in rural areas. The conditions were so harsh that the experience of incarceration during these times amounted to a significant violation of basic human rights. The end of the Communist government led to changes in the ecology of the Russian prison. New laws aimed at reforming the prison were designed to provide better conditions in the facilities as well as increased attention to the rights of prisoners. In particular, significant changes to the Russian legal system were made after the country joined the Council of Europe in 1996. As a result, increased attention has been paid to the development of criminal law and constitutional rights for all citizens. However, one of the consequences of the development of a new social system has been the rise of illegal behavior, which, in turn, has led to significant growth in the number of incarcerated individuals.

Despite a recent downturn, Russia has one of the highest rates of incarceration in the world. In 2018, the Russian prison population was 597,619, and the rate of incarceration was 413 per 100,000 residents. This was a significant departure from 2000, which saw 729 per 100,000 people incarcerated. Indeed, the current level of incarceration is similar to the population in 1990, which saw 698,900 inmates incarcerated. Pretrial detainees make up 17.8% of the prison population. Russian prisons are predominantly male, with women making up only 8.0% of the prison population. Although the percentage of women in prison has increased from 5.8% in 2002, the rate of women incarcerated has decreased from 37.0% in 2002 to 32.9% today. Youth in prison are also quite rare, with less than 1% being under the age of 18.

Currently, there are 961 institutions across the country. Of these, 217 facilities are reserved for pretrial detainees and 713 facilities are identified as corrective colonies. Many of these facilities resemble minimum- or medium-security prisons in the United States, and inmates are organized by security level. However, some of these corrective colonies function as open communities. Designed for first-time, low-level offenders, these facilities house inmates in dormitories or apartments under prison control. In some cases, families live with the inmates. There are also 23 colonies designed specifically for juvenile offenders. Finally, there are eight prison facilities similar in design to the medium- and maximum-security facilities in the United States. The perimeters of the facilities are patrolled by armed guards. Inmates are housed in cells with 5 to 30 people, and they remain in their cells unless they are working. One of the most notorious Russian prisons is known as the Black Dolphin Prison, which houses some of the most violent offenders in the country. In many ways, it is the counterpart to the supermax prisons in America.

One of the most significant concerns in Russian prisons today is the presence of tuberculosis (TB). Over 10% of inmates suffer from TB, and the majority of these cases are not only chronic but also resistant to many of the drugs that are available to treat the illness. While facilities attempt to isolate cases of those who are infected, there are not enough resources available to keep up with the demand. In addition, these confinement units are typically not available in pretrial detention centers, which places both healthy inmates and guards at risk. Left untreated, infected inmates pose a risk not only within the prison walls but also to the general population.

While work is still a central component for Russian prisoners, opportunities for rehabilitation also exist. Illiterate prisoners are sent to school to learn how to read. Inmates also participate in recreational activities, including organized sports. And, in a select number of states, a few facilities allow for young children under the age of three to reside with their mothers. However, the system still faces significant challenges. Many facilities suffer from high rates of overcrowding. One intake center near Russia was so overwhelmed by the masses that inmates were required to eat and sleep in shifts. The work conditions remain particularly harsh, and inmates spend 16 hours a day making police uniforms. Subpar conditions are further exacerbated by the fact that many of these facilities are old and have significantly deteriorated, which leads to poor ventilation, limited lighting, and overwhelmed sewage systems. As the country continues to determine the role of prisons in its society, it will need to find a way to balance these challenges with the limited available resources.

CRITICAL THINKING QUESTIONS

1. In what ways is the Russian penal system similar to that of the United States? In what ways is it different?

2. What are some of the challenges that Russia is experiencing with its penal institutions and inmates?
higher rates of incarceration for property crimes (24.0%) when compared with Blacks (15.2%) and Hispanics (12.8%). For drug and public order crimes, there are similar rates of incarceration across all racial and ethnic groups.24

Much of the growth in our national prison population is related to changes in state policy. Figure 11.4 shows how the incarceration rate has changed dramatically in recent decades. Many states continue to see growth in their prison populations. Oklahoma incarcerates more of its residents than any other state (891 per 100,000 state residents). Oklahoma also incarcerates women at the greatest rate nationwide (149 per 100,000 female state residents), and Louisiana incarcerates the highest rate of men (1,469 per 100,000 male state residents).25 Such expansions are costly, and states spent more than $37 billion on institutional operations in 2010. This was a dramatic increase compared with 1982, when costs nationwide amounted to only $9.7 billion. This means that prison operating costs have increased 384% over the past three decades.26

Meanwhile, several states have made significant changes to their sentencing laws in recent years. Since the prison populations in these states have been some of the highest nationwide, these changes have had a dramatic impact on the nationwide rate of incarceration. In one example, California’s realignment efforts have led to significant changes in the state’s incarceration population. In 2011, the U.S. Supreme Court ruled that the current state of overcrowding and the resulting conditions of the state’s prisons were a violation of the prisoners’ Eighth Amendment protection against cruel and unusual punishment. As a result, the California Department of Corrections was required to substantially reduce the state’s prison population. To bring the prison population to 137.5% of the institutional design capacity, the state needed to reduce its prison population by 40,000 prisoners (Brown v. Plata, 2011).

As part of the efforts to reduce the population in the state prisons, correctional officials shifted much of the correctional supervision of lower-level offenders, parolees, and parole violators to the local governments. The state legislature also altered how the state punishes felony crimes. Historically, felons were sent to the state prison and only misdemeanor offenders served their time in local jail facilities. The introduction of Assembly Bill 109

---

**FIGURE 11.4**

State Policy Drives Mass Incarceration

![Graph showing the incarceration rate per 100,000 individuals from 1925 to 2010.](image-url)

Source: Prison Policy Initiative.
reclassified certain felonies (nonviolent, not serious, and nonsexual offenses) to permit offenders to serve their time in county jails. Additional legislation allows offenders to receive good time credits based on time served as well as on participation in specialized programming.27 As a result of California’s realignment plan, the state prison population has seen dramatic changes, both in terms of its overall size and also in terms of the types of offenders who remained housed in the state prison facilities. While there were noted changes in the prison population for both male and female offenders, women saw proportionally greater reductions. As to type of offender, those who remain in prison are more likely to be violent offenders. As a result of realignment practices, nonviolent and drug offenders are now no longer housed in California’s prison facilities.

Figure 11.5 demonstrates how these efforts, coupled with other changes in legislation, have led to a significant decrease in the state prison population. In one example of new legislation, California voters passed Proposition 47 (Safe Neighborhoods and Schools Act) in 2014 with 59% of the vote. This policy changed several nonviolent offenses, such as writing bad checks, drug possession, and shoplifting, from felony crimes to misdemeanors.28 In addition to California’s realignment efforts, several other states have enacted new legislation that has impacted sentencing and incarceration practices. In Georgia, the state legislature passed House Bill 349, which reinstated judicial discretion for some drug-related cases and allows judges to depart from mandatory sentencing schemes.29 Mississippi recently passed legislation that reduced the minimum amount of time served of a sentence for nonviolent offenders from 85% to 25%, resulting in a significant reduction in its long-term prison population.30 Several other states have considered either closing facilities or reducing bed space.

Incarceration is an expensive investment. California spends more than $47,000 a year to incarcerate each inmate. Security costs make up more than $19,000 of this amount. Inmate health care is also expensive, with costs of more than $12,000 a year per person. Alas, rehabilitation costs make up the smallest portion of the budget, with only $1,612 spent on each inmate yearly for academic education, vocational training, and substance abuse programs.31 New York spends the most per inmate, with an average annual cost per inmate of $60,076. In contrast, the average annual cost per inmate in Kentucky state prisons is $14,603.32 A recent study of 40 state correctional budgets indicates that almost $339 million is spent each year incarcerating inmates in state-run facilities.33 In addition to the costs of caring for an inmate behind bars, taxpayers are also faced with the administrative costs of staffing. Between 2010 and 2015, New York residents paid more
than $3.5 billion, including $179 million in contributions to prison guard pensions and $223 million toward the health care of retired correctional employees.

Federal Prisons

Federal prisons are designed to hold people convicted of federal crimes. The Bureau of Prisons (BOP) was established in 1930. At the time that the BOP was established, there were only 11 federal prison facilities. By 1980, there were 44 such institutions. However, many of these facilities were small, and the total number of inmates in them was fewer than 25,000. Over the next two decades, both the number of institutions and the inmate population exploded as a result of laws such as the Sentencing Reform Act of 1984, which not only introduced determinate sentencing practices but also abolished parole and reduced the availability of good time credits that inmates could earn toward their release. Subsequent laws introduced minimum sentencing practices for a number of crimes, including drug-related crimes.34

In April 2018, there were 183,755 inmates housed in federal prisons. Eighty-four percent of inmates were housed in facilities run by the BOP, and 11% were housed in privately managed facilities. An additional 5% of inmates were housed in community-based facilities.35 The majority of inmates were male (93.1%) and White (58.4%), though Blacks made up 37.9% of inmates, 32.8% of inmates identified as Hispanic, and 28% of federal inmates were not U.S. citizens. The majority of offenders were between the ages of 31 and 40 (36.4%).36

Table 11.1 presents the representation of the different offenses among the federal prison population. Notice that the majority of offenders are incarcerated for drug-related crimes, the majority of which involved powder or crack cocaine. Crack cocaine offenders have historically been sentenced to 10 years or more as a result of mandatory minimum sentences and are predominantly Black (88%).37 Prior to the crime that resulted in their federal prison sentence, 35% of inmates had a limited criminal history and had never been incarcerated. The majority of offenders are sentenced to 5 to 10 years (25.5%). Only 2.8% of offenders (5,387) are incarcerated for life. Another 57 offenders have been sentenced to death, though the last federal execution was in 2003.38

<table>
<thead>
<tr>
<th>OFFENSE</th>
<th># OF INMATES</th>
<th>% OF INMATES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drug offenses</td>
<td>79,190</td>
<td>46.2%</td>
</tr>
<tr>
<td>Weapons, explosives, arson</td>
<td>30,104</td>
<td>17.6%</td>
</tr>
<tr>
<td>Immigration</td>
<td>12,115</td>
<td>7.1%</td>
</tr>
<tr>
<td>Sex offenses</td>
<td>16,154</td>
<td>9.4%</td>
</tr>
<tr>
<td>Extortion, fraud, bribery</td>
<td>10,961</td>
<td>6.4%</td>
</tr>
<tr>
<td>Burglary, larceny, property offenses</td>
<td>8,113</td>
<td>4.7%</td>
</tr>
<tr>
<td>Robbery</td>
<td>6,320</td>
<td>3.7%</td>
</tr>
<tr>
<td>Homicide, aggravated assault, and kidnapping offenses</td>
<td>5,559</td>
<td>3.2%</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>1,275</td>
<td>0.7%</td>
</tr>
<tr>
<td>Courts or corrections</td>
<td>788</td>
<td>0.5%</td>
</tr>
<tr>
<td>Banking and insurance, counterfeit, embezzlement</td>
<td>475</td>
<td>0.3%</td>
</tr>
<tr>
<td>Continuing criminal enterprise</td>
<td>376</td>
<td>0.2%</td>
</tr>
<tr>
<td>National security</td>
<td>66</td>
<td>&lt;0.1%</td>
</tr>
</tbody>
</table>
Private Prisons

In 2015, the most recent year for which data was available at the time of this writing, 128,000 inmates were housed in privately run facilities in 29 states.46 This refers to inmates under the jurisdiction of either the federal or state government and who are physically housed in a privately owned facility. While this number marks a decrease in recent years, the private prison population has increased 83% since 1999. Overall, inmates under state correctional authority make up 72% of the private prison population. Texas housed the greatest number of inmates in private facilities in 2015, with 14,293 inmates. Florida followed closely behind with 12,487 inmates, and Georgia (7,953), Oklahoma (7,446), and Arizona (6,471) rounded out the top five. During the Obama administration, the White House issued a directive to phase out the use of private prisons to house federal inmates. This decision was made based on the findings of a 2016 audit that showed private facilities had more security violations compared with institutions run by the BOP.40 In February, Attorney General Sessions reversed this policy, arguing that “the memorandum changed long-standing policy and practice, and impaired the Bureau’s ability to meet the future needs of the federal correctional system. Therefore, I direct the Bureau to return to its previous approach.”41 Some have criticized this move, arguing that the need for private prisons may increase due to the rolling back of many Obama-era directives by Sessions on issues such as the war on drugs. Private prison corporations could also benefit from the increased enforcement of illegal immigration and subsequent incarceration of such individuals during the Trump administration.42

The largest private prison entity is Corrections Corporation of America (CCA). CCA’s largest state client is California, which houses more than 8,000 of its inmates in facilities in Arizona, Mississippi, and Oklahoma. For this service, California pays $214 million to CCA. In comparison, the federal government paid CCA $752 million to house inmates for the U.S. Marshals Service, the BOP, and Immigration and Customs Enforcement.43 There are currently about 130 private prisons nationwide that offer 157,000 beds for hire.44

The need for private prisons resulted from the dramatic growth in prison populations during the late twentieth century. States could simply not keep up with the number of inmates that they needed to house. A lack of bed space in state and federal prisons means that inmates can be sent to privately run facilities. Companies can engage in competitive-bidding practices to build and manage such facilities. Private prisons are also not subjected to the same levels of bureaucracy that state and federal facilities are.45 Finally, private prisons can be built and house inmates on an individual basis and, in turn, charge a state or the federal government for this cost. This means that these governments do not have to provide the startup costs of building a facility. While the federal government does not collect data on whether private prisons are more cost-efficient than government prisons, some researchers have conducted their own analyses. In one study supported by the National Institute of Justice, researchers indicated that the cost to incarcerate a federal inmate at Taft Correctional Institution, a private prison, ranged between $33.25 and $38.37 per day per inmate. In comparison, housing an inmate in a publicly run facility cost between $39.46 and $46.38 per day per inmate. The average cost savings at Taft CI were about 15% lower than the government facility.46 Yet not all states have had the same experience: Arizona paid $10 million more to incarcerate its state prisoners in private facilities.47

There is an incentive for private prisons to maintain their inmate populations. In 2012, CCA offered all mainland states the opportunity to sell their prison facilities to the corporation. In exchange, states would pay CCA a per-inmate cost to run the facility. One of the largest pitfalls of CCA’s offer was that it was contingent on a 20-year contract and required that states maintain a 90% occupancy rate. While no one accepted the offer, the use of guaranteed fill rates is not uncommon in the private prison sector. In these cases, states are required to pay for unused beds.48

There is no guarantee that inmates will be housed in a facility that is located in their own state. For example, Hawaii sends a number of its inmates to a private prison in Arizona, paying $60 million a year to house and rehabilitate these offenders. The Saguaro Correctional Center in Eloy, Arizona, was built primarily to house Hawaiian prisoners. In designing the prison, CCA consulted with cultural advisers to incorporate traditional Hawaiian foods, holidays, and ceremonies into the culture of the facility.49 Nonetheless, there have been several lawsuits against the facility. Two families filed wrongful death
lawsuits against Saguaro for failing to control gang violence in the prison, failing to classify inmates appropriately, and failing to adequately staff the facility.50 Another class action lawsuit alleges that the facility violated the inmates’ rights to religious practice.51 Following several inmate charges of abuse, 243 inmates were returned to the islands to serve out the remainder of their sentences.52

The Saguaro Correctional Center is not the only private prison in Arizona that is experiencing problems. Between 2008 and 2010, there were more than 28 riots in six private prisons in Arizona.53 Research on private prisons indicates that these facilities are more likely to have problems in maintaining safety and security. For example, a prison escape is often symbolic of several failures within a facility. Although a prison escape is generally a rare event, private prisons have seen more of these incidents compared with their public counterparts. Private prisons also have a higher turnover rate. This means that much of the line and supervisory staff in private prisons are relatively inexperienced.54 Certainly, much of the news reporting on private prisons is critical and highlights individual negative events. However, the limited research in this area makes it difficult to grasp whether private prisons in general are problematic or if the issues are concentrated in specific facilities.

**Military Prisons**

**Military prisons** are facilities designed to house individuals who are convicted of a crime while a member of the armed forces. In 2014, 1,409 members of the armed forces were incarcerated in military prisons for sentences greater than one year. The majority of these individuals were from the army (54%). Forty-three percent were incarcerated due to a violent crime, 24.4% were convicted of a violent sexual offense, and an additional 37.2% were convicted of a nonviolent sex offense. This means that 61.7% of all offenders in military prisons for all branches were incarcerated for sexually based crimes.55

Military prisons can house inmates from all service branches, but each branch can also coordinate separate institutions. There are six consolidated facilities in the United States and one in the United Kingdom. The U.S. Army has two independent institutions—one in South Korea and one in Germany. The U.S. Marine Corps operates two facilities—one in Japan and one at Camp Pendleton, which is located in California. The U.S. Navy operates the largest number of facilities both in the United States and abroad. And these facilities are not located only on land; several ships have their own brigs to isolate and punish offenders.

Prior to its use as a federal prison, Alcatraz Island was a military prison that housed both military inmates and citizens accused of treason during the Civil War. The island served in this capacity from 1850 to 1933.56 Fort Leavenworth, in Leavenworth, Kansas, is perhaps the most widely known current military prison in the United States. In addition to housing a U.S. penitentiary on its grounds, it houses 671 inmates between two different military facilities: the United States Disciplinary Barracks and the Midwest Joint Regional Correctional Facility. Six offenders who have been sentenced to death are also housed on the grounds, although there have been no executions under military authority since 1961. One of these individuals is Nidal Hasan, who was an army psychiatrist stationed at Fort Hood, Texas. In 2009, Hasan killed 13 individuals and injured several others.57 The Midwest Joint Regional Correctional Facility is also home to Chelsea Manning, who was sentenced to 35 years for releasing more than 750,000 pages of classified documents in 2013. At the time of the crimes, Manning went by the name Bradley.58 Following her conviction, Manning successfully sued for the right to receive treatment for gender dysphoria, which included psychological counseling and hormone treatments.59

**Prison Security Levels**

States and the federal government have a variety of different types of prisons that are typically organized by security level. Generally speaking, there are four categories of prison security, although some states may have up to seven different security levels. This refers to how restrictive the security of a facility is. Each of these categories differs in terms of the physical design of the facility, how it is staffed, and the types of operational policies that are in place. Figure 11.6 presents the number of federal inmates per security level.
A **minimum-security prison** is the least restrictive level of incarceration. Minimum-level prisons are designed to give inmates the highest degree of movement and autonomy and acknowledge that these inmates, while subject to punishment for their crimes, are generally not a violent risk to the community. Many minimum-level facilities have limited or no fencing around the perimeter of the institution. Minimum-security prisons may have dormitory-style housing where several inmates reside in a space. In some states, minimum-security inmates are required to participate in rehabilitative programming to help prepare them for their return to the community. The majority of prisons in the United States are classified as minimum-level prisons. In the federal system, there are minimum-security and low-security facilities. Minimum-security prisons are known as federal prison camps (FPCs), and low-security prisons are called federal correctional institutions (FCIs). Placement in these facilities is determined by the institutional behavior of the inmate, the inmate’s history of violence, and the length of time left on the inmate’s sentence. Generally speaking, inmates with less than 10 years remaining on their sentence are housed in FPCs and inmates with less than 20 years remaining are housed in FCIs. Just over 17% (17.2%) of federal inmates are housed in minimum-security prisons, and 37.4% of inmates are housed in low-security prisons.

**Medium-security prisons** have an increased level of security compared with minimum-security prisons. There is less freedom of movement, and inmates are more likely to be housed in cells with another offender or in smaller dormitory-style units. Institutions may have a guard tower that serves to keep watch over the perimeter of the facility. The increased security of the facility means that the inmate-to-staff ratio is higher than in a minimum-security prison. These inmates may have a history of violent behavior or be an escape risk. As a result, these facilities tend to have increased physical barriers to maintain the safety and security of the community. At the federal level, medium-security prisons are also referred to as federal correctional institutions, though inmates housed in these facilities tend to have a more significant history of violence. Almost 30% (29.8%) of federal inmates are held in medium-security prisons.

A **maximum-security prison** is designed to house serious and violent offenders. Inmate movement and autonomy are significantly restricted. Inmates housed in maximum-security prisons are often a risk to themselves, other inmates, and staff. A number of inmates die each year due to prisoner-on-prisoner violence, often related to gang rivalry. These prisons tend to have the highest staffing levels. At the federal level, maximum-security prisons are known as United States penitentiaries. Nearly 12% (11.7%) of federal inmates are held in high- or maximum-level security facilities.

**Minimum-security prison:**
The least restrictive level of incarceration. Minimum-security prisons are designed to give inmates the highest levels of movement and autonomy, and they acknowledge that these inmates, while subject to punishment for their crimes, are generally not a violent risk to the community.

**Medium-security prison:**
A prison that has an increased level of security and less freedom of movement than a minimum-security prison.

**Maximum-security prison:**
A prison that is designed to house serious and violent offenders. Inmate movement and autonomy is significantly restricted.
Finally, some facilities and units are designated as supermax and are designed to house the worst of the worst. The term supermax is short for super maximum. It refers to “a highly restrictive, high-custody housing unit within a secure facility, or an entire secure facility, that isolates inmates from the general prison population and from each other due to grievous crimes, repetitive assaultive or violent institutional behavior, the threat of escape or actual escape from high-custody facility(ies), or inciting or threatening to incite disturbances in a correctional institution.” Inmates housed in supermax facilities are generally locked up in individual cells for 23 hours a day and are kept in solitary confinement. Contact with guards and other professionals is significantly limited, and inmate-to-inmate contact is typically eliminated. In most cases, inmates in supermaxes are permitted little or no access to programming. At the end of this chapter, you’ll learn about the controversy over solitary confinement, which has existed throughout the history of the American prison system and is a key feature of the supermax unit. What makes supermax confinement unique is that supermax offenders are normally housed in segregation for lengthier periods than in regular segregation units.

The emergence of the modern-day supermax was ignited by the murder of two correctional officers by inmates at the federal prison in Marion, Illinois, in 1983. This incident fueled an extended lockdown at the prison for 23 years and essentially made Marion a full-scale supermax facility. Over time, Marion became a model for future supermax units such as Pelican Bay in California and ADX Florence in Colorado (which currently houses the Unabomber, Ted Kaczynski; Zacarias Moussaoui, the only person convicted in relation to the 9/11 attacks; and Dzhokhar Tsarnaev, the Boston Marathon bomber). Violence in American prisons has always been a serious concern, with inmate riots and rebellions flourishing during the middle of the twentieth century. The Marion incident also happened at a time when criminal justice policy was growing more stringent and tolerance for crime and disorder was rapidly declining. Currently, there are at least 62 facilities that are classified as supermax facilities or that are supermax units operated within another prison.

Inmate Classification

In order to determine the type of prison that an inmate should be housed in, the inmate is first sent to a classification center (also referred to as a reception center, intake unit, or diagnostic center). Here, the inmate is evaluated based on her or his static and dynamic risk factors. Static risk factors are characteristics about an offender that do not change. Examples of these include number of prior arrests, age at first arrest, or other criminal history variables. Dynamic risk factors are also known as criminogenic (crime-producing) needs, which are characteristics or situations involving the offender that change, such as substance abuse addictions, educational level, or peer associations.
or peer associations. For example, during their initial classification, inmates sentenced in Massachusetts are evaluated on several factors including the severity of the current offense, prior criminal history during the past four years, any history of escapes or violence in prison, and their age, educational level, and employment status. Inmates are reassessed annually on these factors as well as on their participation in rehabilitative programming and their disciplinary record.

As part of their evaluation process, many facilities have turned to formal risk assessment tools to assist in their decision making. Risk assessments are also used in other areas of the criminal justice process, such as in presentencing decisions and probation and parole supervision.

Many believe that the use of validated risk/needs assessment tools is a major advancement in offender management and treatment. Indeed, there are many reasons why risk/needs assessments are important for criminal justice professionals. First, the information gathered by the assessment can help guide and structure decision making. It aids criminal justice personnel in determining who goes where, whether it is custodial placement for prison inmates or a supervision level for individuals in the community. Second, it helps reduce bias by eliminating extralegal factors such as race or gender from consideration in the determination of risk. Third, it aids in legal challenges since individuals have a right to be placed in the most appropriate housing or treatment. If we do not assess offenders accurately, we may place them in housing that is more restrictive than necessary or assign (or fail to assign) them to treatment programs without a legitimate basis for doing so. Fourth, using assessments helps utilize resources better because when we are able to place the individual in the best possible treatment environment, we get the most for the money that is spent on treatment. Finally, assessments enhance public safety because they allow us to know which individuals are higher risk and thus place those people in more restrictive environments so the likelihood of future victimization is decreased.

While risk/needs assessments have been adapted in most states to assess offenders, these tools are not without criticism. One of the primary areas of critique is that the predominant assessment tools were developed to evaluate the needs of the majority population behind bars—men. Research has noted that these tools often do a poor job at assessing the unique needs of women in prison. Such tools also lack cultural competencies, a significant issue given the number of men and women of color who are incarcerated. Failure to acknowledge not just race, ethnicity, and gender but also the intersectionality of these issues may mean that offenders will be overclassified—that is, classified at a higher level than their needs require. This can lead to challenges in accessing appropriate and effective treatment programs for individuals.

**Issues in Incarceration**

**Racial Disproportionality**

Racial disproportionality exists when inmates of color are overrepresented in the prison population when compared with their representation in society in general. If we look at prison populations across the United States, Black men make up 37% of the male prison population, compared with 32% of White men and 22% of Hispanic males. For young inmates, Black males have the greatest disparity of incarceration; they are 10 times more likely to be in prison when compared with similarly aged White men. Women of color are also overrepresented among prison populations. In particular, Black women are between 1.6 and 4.1 times more likely to be imprisoned than White women.

In Chapter 6, you learned how criminal justice policies have impacted incarceration rates. While many of these policies were intended to create a race-neutral system, they have had the opposite effect and have resulted in significant racial disparities among the prison population. The loss of men and women of color to the prison system also has a significant impact on communities.

**Overcrowding**

Overcrowding occurs when there are more individuals in a prison than the facility is designed to house. The BOP and at least 18 states are currently dealing with issues of prison overcrowding. Data indicate the total number of inmates that the federal system
Due to tough-on-crime policies such as the war on drugs, the number of people incarcerated has grown significantly, to the point that many facilities are overcrowded. Many facilities are faced with converting spaces that were never meant to house inmates into dormitory-style housing. What steps are being taken to address this issue?

Gary Friedman/Los Angeles Times/Getty Images

is rated to hold is 132,731. With its current population, these facilities are operating at 128% of capacity. While California was once one of the worst offenders, recent changes to its state policy have moved the prison population to within 93% of its operational capacity. However, other states remain serious offenders. For example, Delaware prisons currently house 6,730 inmates, even though these facilities were designed to house only 4,161 inmates. Similarly, Illinois prisons house 48,278 inmates, which is 171.1% of their design capacity. On the flip side, some state prisons, such as those in Mississippi and New Mexico, are at only half of their organizational capacity.

Overcrowding has a number of significant consequences for both inmates and staff. As inmate populations increase, facilities may struggle to provide adequate space to house offenders. This often leads to two or three offenders sharing a cell that was meant to house a single individual. Larger spaces such as gyms are repurposed to create open dormitories. The number of inmate jobs decreases, and options for and availability of rehabilitative programming such as school programs, job training, and drug treatment can be reduced. Overcrowding also can lead to increased tensions between inmates, which, in turn, can increase the levels of misconduct. Not only can this threaten the safety of the inmates but it can also impact the health and welfare of the prison staff.

Incarceration of Women

Since the 1980s, the number of women incarcerated in the United States has multiplied at a dramatic rate due to policies such as mandatory minimum sentences and the war on drugs. At year-end 2015, there were 111,495 women incarcerated in prisons in the United States. Table 11.2 offers a profile of women found in the criminal justice system today. Much of the rise in female criminality is the result of minor property crimes, which reflects the economic vulnerability that women experience in society, or cases involving drug-related crimes and the addiction issues facing women. Women of color are significantly overrepresented behind bars; research indicates that Black women are incarcerated at rates higher than any other females. Table 11.3 highlights the rates of incarceration of White, Black, and Hispanic women. Poverty is also an important demographic of incarcerated women as many (48%) are unemployed at the time of their arrest, which affects their ability to provide a sustainable environment for themselves and their children. It can also limit their eligibility to receive bail or have the financial means to pay a cash bond. Women also struggle with limited education and a lack of vocational training. For example, 29% of women in custody in New York have less than a fifth-grade reading ability. Yet many prison facilities provide limited educational and vocational training, leaving women ill prepared to successfully transition to the community following their release. Of the 64% of women who enter prison without a
high school diploma, only 16% receive their GED and only 29% participate in any form of vocational training while they are incarcerated.71

The rise in the female prison population collides with the issue of overcrowding, which limits the ability of institutions to provide the physical and mental health services that are often required for women in custody. Incarcerated women are 3.7 times more likely to experience physical or sexual trauma in their lives compared with women in the general population.72 Given this, it is not surprising that the incarcerated female population has a high demand for mental health services. Women in prison have significantly higher rates of mental illness compared with women in the general population. Official data indicate that 13% of women in federal facilities and 24% of women in state prisons have been diagnosed with a mental disorder.73 Women also face a variety of physical health needs, yet there are often limited diagnostic or treatment options behind bars.

**Financial Issues Behind Bars**

One of the myths about prison life is that everything is provided for inmates. “Three hots and a cot” is a phrase thrown about that indicates inmates are provided food and shelter. Some have complained over the “free” medical care and education that inmates receive. However, a review of these sorts of programs notes that prison life is anything but free. Medical care is one of the top five greatest expenditures for correctional institutions, and these costs are only expected to increase as tough-on-crime sentencing practices mean that inmates will continue to burden prison medical systems as they age.74 Recently, a female inmate who was dying of pancreatic cancer cost California over $100,000 in overtime fees alone for guards to supervise her during the 36 days that she was hospitalized prior to her death.75 As state institutions look for ways to reduce costs, many have adopted health care payment fees, which can range from $2.00 to $5.00 for a medical visit. That may not sound like much compared with the $15.00 to $20.00 that most insurance plans charge for the average individual, but consider the context. Inmate jobs pay very little—inmate wages can be as low as $0.13 per hour, with the average prison job paying $0.93 per hour. Depending on the state, these wages are taxed at anywhere between 30% and 50%. One inmate who worked in a prison kitchen reported he made between $5.25 and $8.75 per week after administrative costs.76 Given this context, paying between $2.00 and $5.00 for a medical visit is a significant burden. Phone calls can also be prohibitively expensive—a 15-minute call can range from $5.15 to $10.00.77

The availability of funds in an inmate’s commissary account can be a status symbol behind bars. However, this can be a difficult process to negotiate, both inside and out. Family members can deposit funds for their loved one if they have the financial means, but these funds often take a significant amount of time to be processed. In addition, these contributions are subjected to fees by the institution. In California, deposits to an inmate’s commissary account are taxed at 50% to satisfy any restitution orders, and there is an additional 10% administrative fee.78 Many inmates express feeling guilty for asking their family members to contribute to their accounts because they know it is a burden.

---

**TABLE 11.3**

Rate of Incarceration of Women by Race/Ethnicity

<table>
<thead>
<tr>
<th>RACE/ETHNICITY</th>
<th>RATE OF INCARCERATION PER 100,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>All women</td>
<td>674</td>
</tr>
<tr>
<td>White</td>
<td>52</td>
</tr>
<tr>
<td>Black</td>
<td>103</td>
</tr>
<tr>
<td>Hispanic</td>
<td>63</td>
</tr>
<tr>
<td>Other*</td>
<td>90</td>
</tr>
</tbody>
</table>

* Includes American Indians and Alaska Natives; Asians, Native Hawaiians, and other Pacific Islanders; and persons of two or more races.

for them to do so. In some cases, having family members send (or withhold) money is a symbol of the inmate–family relationship: Inmates with strong familial relationships are likely to have deposits made to their accounts, while inmates with deteriorating or poor relationships are less likely to receive such support.79

Given the tenuous financial circumstances that many individuals find themselves in prior to arriving at prison, the cost of life behind bars can not only exacerbate preexisting physical and mental health conditions but also place additional strain on the relationships that are essential to recovery, rehabilitation, and reentry.

**Prison Misconduct**

The U.S. Constitution requires that prisons make a reasonable effort to keep inmates safe. **Prison misconduct** can threaten the safety and security of a facility. There are several different forms of misconduct behind bars. These include violence, drug use, rule violations, and security-related violations.80

There are several factors that predict higher levels of prison misconduct. For example, younger inmates tend to have higher rates of prison misconduct compared with older inmates. Inmates with longer sentences are also more likely to engage in acts of misconduct, as are inmates sentenced to medium- or maximum-security facilities. Finally, gang members, sex offenders, and those who have a history of mental health issues have higher rates of violence behind bars.81 Factors such as criminal history, facility security, overcrowding, racial tensions between inmates, and administrative practices can also contribute to incidents of misconduct.

**Prison Gangs**

Prison gangs are a constant threat to the safety and management of the facility. Prison gangs first emerged in California facilities during the 1950s. Research estimates that 12% to 16% of inmates are gang involved.82 Prison gangs are organized primarily by race and ethnicity. Some of the most prominent organizations include the Mexican Mafia (La Eme), the Aryan Brotherhood, the Black Guerrilla Family, La Nuestra Familia, and the Texas Syndicate.83 Prison gangs are primarily involved in the underground drug market in prison, and the majority of prison violence is attributed to these activities.

**Prison Riots**

Prison riots have been in existence since the emergence of the modern prison. Early research on the causes of prison riots indicated that they occurred as a result of either shifts in prison authority or changes to the conditions behind the prison walls.84 Consider the events at Attica in September 1971. More than 1,000 inmates took control of the facility and held 42 correctional officers and other staff members hostage as they made demands to the state about the treatment of inmates, lack of medical treatment, and general prison conditions. In the early hours of the riot, a correctional officer by the name of William Quinn died as a result of injuries sustained from being beaten by the inmates and thrown from a second-story window. After four days of unsuccessful negotiations, Governor Nelson Rockefeller issued orders for state police to take back control of the prison by force. After dropping tear gas and firing more than 3,000 rounds, the police were successful in regaining control, but not without injury and casualties to the inmates as well as the hostages. While early reports from the authorities indicated that the inmates had slit the throats of 10 hostages, the autopsies found that all of these officers died as a result of gunfire by the police. Twenty-nine inmates were also killed, and another 89 suffered from injuries as a result of the actions by the state police.85 Unfortunately, the riot did little to stem the violent abuses by the staff, and only one officer was indicted for his abusive treatment of the inmates.86 Sixty-two prisoners, however, were indicted for their actions during the riot. While a lawsuit representing the inmates was filed against the prison and state officials in 1974, it wasn’t until 2000 that the suit was settled for $8 million. Indeed, it has taken more than four decades for many of the details about the riot and the abuses that followed to be made public.87
Since the days of Attica, prison riots have continued to occur. The 1980 riot at the New Mexico State Penitentiary was the result of changes in the management of the prison combined with a shift in prison culture that eliminated inmate employment opportunities and related programs. Tensions between inmates began to increase as few incentives for prisoners to comply with the rules of the facility remained. The breakdown of communication between the inmates and the prison administration further contributed to the rising tensions. The riot at the New Mexico State Penitentiary stands as one of the most violent events in prison history, with more than 200 inmates injured and 33 killed.

Recent events across the nation, including one at a private prison in Arizona in July 2015, indicate that poor prison conditions, coupled with overworked officers who have limited training, lead to inmate uprisings.

Racial tensions and gang violence have also led to several riots across prisons in California. Yet despite the rate at which these events make the news, the number of prison riots and the deaths that result from such events are actually decreasing. Much of this decline can be attributed to changes in who is incarcerated. Over the past three decades, we have significantly increased the number of individuals who are incarcerated for nonviolent crimes. It is these inmates who make up the majority of prison populations nationwide and reside in minimum- and medium-level secure facilities. Meanwhile, those violent inmates who once ruled the prison yard are today housed in facilities and units where there is far less freedom of movement. Despite these shifts, prison overcrowding continues to be a major risk factor for and contributor to prison violence. Indeed, as resources for inmate programming and space continue to decrease, we may see an increase in violence within the walls of these institutions.

Sexual Misconduct

Sexual misconduct is another threat within prisons. One of the more significant efforts to combat this form of victimization is the Prison Rape Elimination Act of 2003. One of the challenges to understanding the extent of sexual violence in prisons is that these acts often go unreported. The Bureau of Justice Statistics (BJS) annually collects data on the characteristics of prison rape by surveying former prisoners who have been released on parole. The most recent data indicate that 9.6% of former prisoners reported at least one incident of sexual misconduct during their most recent incarceration period. About half of these experiences occurred between inmates, and the other half occurred between staff and inmates. In the majority of the staff–inmate experiences, the former inmates characterized these events as consensual. In comparison, the majority of inmate-on-inmate acts were nonconsensual. Women were three times more likely than males to experience inmate-on-inmate victimization. Race and ethnicity statistics also show differences in victimization, as White, non-Hispanic male inmates and multiracial male inmates have higher rates of this form of victimization compared with Black, non-Hispanic inmates. Finally, those who identified as bisexual and homosexual were more likely to be victimized than heterosexual inmates.

While the National Prison Rape Elimination Commissions have made a number of recommendations to reduce the extent of abuse within confinement facilities, many of these reforms are costly and out of reach. Public officials have also argued that conducting annual reviews of abuse would be too costly. However, allowing such abuse to continue is also an expensive burden since the emotional experience of victimization impacts inmates long after they have departed the facility. In addition, the failure to respond to systemic abuse within the prisons places facilities at risk for lawsuits by inmates and their families. In 2007, Alabama paid a $12.7 million settlement in response to a class action lawsuit by 48 girls who served time at a state youth correctional facility.

Legal Rights of Prisoners

In addition to due process rights and protections for those who are accused of a crime, prisoners also retain several constitutional rights. However, this hasn’t always been the case. It was once the prevailing legal philosophy that prisoners forfeited their constitutional rights as a consequence of their crimes. Cooper v. Pate (1964) shifted this philosophy and opened the floodgates on prisoner litigation. Thomas Cooper filed suit saying that he was denied his right to practice his religion as a Black Muslim. Not
The Incarceration of the Mentally Ill

During the late 1950s, more than a half million individuals were housed in state psychiatric facilities. Over time, the move to deinstitutionalize these individuals meant that very few remained in mental hospitals while the majority transitioned into the community. Yet the failure to provide viable resources meant that many went untreated. Over time, shifts in criminal justice policies meant that jails and prisons became the new asylums for the mentally ill.

By 2005, research indicated that over half of prisoners in state and federal prisons had a mental health issue. A review of state prisoner mental health issues found that 43% of state prisoners experienced symptoms of mania, 23% reported symptoms of clinical depression, and 15% met the DSM criteria for a psychotic disorder. Figure 11.7 demonstrates the extent of mental health care for inmates both prior to and after admission to prison or jail. Many of these cases are left untreated; only 38% of state prison inmates had used prescription medications and only 35% had received therapy from a mental health professional prior to their incarceration. Inmates with mental health issues are more likely to have issues with substance abuse and are more likely to be homeless prior to their arrest. The backgrounds of those with mental health issues are also dramatically different than those of individuals without such problems. For example, inmates with a mental health issue are more likely to have a family member incarcerated during their lifetime, are more likely to have received public assistance while growing up, and are more likely to have a history of physical or sexual abuse.

Not only is the number of inmates with mental health issues increasing; the severity of these illnesses is intensifying as well. Prisons now house more individuals with significant mental health issues than state psychiatric facilities. Alas, many of the traditional methods that prisons use to control the inmate population, such as restraining devices or solitary confinement, can increase the harm to inmates with these issues. The pains of imprisonment, including separation from family and adapting to the prison environment, can exacerbate mental health conditions. In addition, many offenders with life sentences (45%) experience suicidal ideation upon receiving their sentence.

Data demonstrate that once inmates enter a correctional facility, their access to mental health treatment decreases. Unfortunately, the standard course of treatment in many facilities involves prescription psychotropic medications. Often, these medications are prescribed in excess and often in lieu of counseling or other therapeutic interventions. For example, one study indicated that 21 of the 22 participants were given the prescription medication Seroquel, which is used to treat bipolar disorder. Yet only one of the women was actually officially diagnosed with bipolar disorder. And while the manufacturer of Seroquel recommends that people who take this medication be reassessed at regular intervals, few of these inmates actually received such treatment while in prison. The study also indicated that although some drugs were readily available, the same did not hold true for all psychotropic medications. In some cases, prison doctors would prescribe new drugs to the inmates rather than continue to offer prescriptions for drugs that had been effective in the past. According to one inmate, “Prison doctors just do whatever they want; the opposite of what you were getting before you went in so that they can show you who’s boss. It’s just a way for them to show you how much control they have.”

To make these situations even worse, the failure to comply with a prescribed medication protocol can be grounds for a disciplinary action while in prison, and such behaviors can also be used against an offender during a parole hearing. Some inmates believed that their mental health status improved during incarceration because they were appropriately medicated, were no longer using illicit substances, and were engaged in therapeutic support programs. However, the majority of inmates believed that incarceration exacerbated their mental health issues and that a number of variables contributed to this. First, incarceration is a stressful experience, and stress can increase feelings of anxiety and insecurity. Second, the majority of resources for mental health were focused on crisis intervention, not therapy. In particular, “lifers” felt that they were often placed at the end of the list and were denied services due to their sentence. Finally, many of the inmates felt degraded and abused by the staff, which added to their trauma.

Research has led to several recommendations for reforming the experience of mentally ill prisoners. First, we need increased options in the community to help stabilize individuals before they become involved in the criminal justice system. Second, we need to implement diversion-style programs in lieu of incarceration. Third, facilities need to develop better screening tools for mental health issues and expand their services beyond traditional efforts, which are often limited to suicide prevention. Finally, states need to allocate adequate financial resources to provide appropriate levels of care for mentally ill individuals during their incarceration.
only did the Court agree that the prison violated Cooper’s First Amendment rights; in handing down their decision, the justices established the rule that state prison inmates could sue the state in federal court under Section 1983 of the Civil Rights Act of 1871, which allows for individuals to sue governmental units if their policies violate an individual’s constitutional rights.94

Over the past 60 years, the Court has heard numerous challenges in the name of prisoner rights. For example, while the Fourth Amendment contains a basic right to privacy, inmates have very few legitimate expectations of privacy. Correctional officials may conduct searches (including strip searches) in the name of security95 and do not need a warrant in order to search an inmate’s cell or to seize materials and use them as evidence against the inmate.96 Just as those who are accused of a crime are entitled to be represented by legal counsel, inmates are also provided this right. In cases where a professional attorney is not available, the Court has held that prisoners have the right to consult inmate lawyers.97 In addition, prisons must provide adequate legal-library facilities so that inmates can exercise their right of access to the courts.98
In addition to Section 1983 litigations, federal habeas corpus is the other legal remedy available for convicted inmates. Its origins can be found within the Judiciary Act of 1789. These petitions allow individuals to challenge their confinement on both legal and factual issues to determine if their imprisonment is lawful. Habeas petitions are a civil action in which the incarcerated individual brings a case against the government and the warden is named as the defendant. In 1996, the Antiterrorism and Effective Death Penalty Act significantly reduced the parameters of habeas petitions by imposing a one-year statute of limitations and restricting the number of petitions that an individual can file to a single opportunity. An individual must be incarcerated to file a habeas petition, and the courts will only allow a habeas petition after all of the issues have been heard in the state courts (if the individual is a state inmate).99

Although recent policies have restricted the grounds upon which an inmate can pursue relief under a federal habeas petition, inmates can pursue both a Section 1983 and habeas claim for the same situation. For example, the case of Wolff v. McDonald (1974) was a class-action lawsuit involving several inmates in a Nebraska State prison that claimed prison disciplinary proceedings violated the due process clause of the Fourteenth Amendment. In their decision, the U.S. Supreme Court held that prisoners do have the right to due process in disciplinary hearings, such as a written notice of the charges and evidence, as long as it does not compromise the safety of the institution. A later decision on the prisoner disciplinary process further clarified the limited nature of due process in these situations and held that the right to counsel does not extend to these proceedings.101

FIGURE 11.8
Landmark Supreme Court Cases on Prisoners’ Rights

- 1964 Cooper v. Pate
  Validated and made clear the right of inmates to sue prison systems and prison staff.
- 1964 Estelle v. Gamble
  Deliberate indifference to inmate medical needs constitutes cruel and unusual punishment and is therefore unconstitutional.
- 1984 Hudson v. Palmer
  A prison cell may be searched without a warrant and without probable cause. Prison cells are not protected by the 4th Amendment.
  Prison staff may routinely strip-search minor offenders and detainees (e.g., traffic violation offenders) when they are arrested or detained within a jail or detention facility.
While several cases have interpreted the First, Fourth, Fifth, and Sixth Amendments in light of prisoners’ rights, it is the Eighth Amendment that has served as the basis for some of the more sweeping reforms to the prison environment. One of the most significant decisions occurred in the case of Estelle v. Gamble (1976), which held that institutions may not be deliberately indifferent to the serious medical needs of inmates (Figure 11.8). In fact, recent decisions by the Court require prisons to provide adequate medical care within the prisons, though the Court does not go so far as to define what this might look like. While practices such as double celling are not unconstitutional on their own, prison administration may not be deliberately indifferent to the negative conditions of confinement, such as facility overcrowding, poor lighting and ventilation, and unsanitary conditions. Indeed, several states have active lawsuits filed by inmates alleging that their conditions of confinement violate the Eighth Amendment. In 2012, the Southern Poverty Law Center filed suit against the Alabama State correctional system, claiming that the state failed to provide basic medical and mental health care to inmates. However, relief from the courts will not likely be swift, as a similar lawsuit in Florida was settled 19 years after it was filed.

Correctional officers: Criminal justice officials who are responsible for the security of the correctional institution and the safety of the inmates housed within its walls.

So You Want to Be a Correctional Officer?

Correctional officers (COs) are a central component of the criminal justice system. Responsible for the security of the correctional institution and the safety of the inmates housed within its walls, correctional officers are involved with every aspect of inmate life. Indeed, correctional officers play an important part in the lives of the inmates as a result of their constant interaction. Contrary to other work assignments within the criminal justice field, the position of the correctional officer is integrated into every aspect of the daily lives of prisoners. Duties of the correctional officer range from enforcing the rules and regulations of the facility to responding to inmate needs to diffusing inmate conflicts and supervising the daily movement and activities of the inmate.

In 2017, there were 428,870 correctional officers working in prison facilities nationwide. With 48,600 positions, Texas employs the largest number of correctional officers in the country. While the majority of correctional officers are men, women make up 37% of correctional officers in state adult facilities and 61% of juvenile correctional officers (Figure 11.9). Both men and women are assigned to same-sex as well as cross-sex supervision positions. In addition, more women are working as correctional officers in exclusively male facilities, where they constitute 24.5% of the correctional personnel. Figure 11.10 highlights the average wages in corrections, with the highest wages found in southern California, Boston, and the New York–New Jersey metropolitan region. For example, the mean wage in Nassau County, New York, is $82,650. (Such wages, however, are still low given the high costs of living in these large metropolitan areas.) In comparison, nonmetropolitan areas such as northeast Florida, west central Illinois, and Washington Parish in Louisiana have an average annual salary around $33,000.

In order to work as a correctional officer, you must be at least 18 years old (though many states set a minimum age of 21 years old), be a U.S. citizen, and have a clean criminal background. Generally speaking, most facilities do not require more than a high school diploma for an entry-level position. However, some states and the federal government require a bachelor’s degree. Some positions will accept active or reserve military experience in lieu of college coursework.

Many choose corrections as a career out of interest in the rehabilitation services as well as a perception that such a career provides job security. However, work as a correctional officer can be quite stressful. There is a high degree of bureaucracy within the prison walls, which can contribute to feelings of job dissatisfaction. On-the-job stress is also a significant issue. There is always a risk of harm from the inmates. Officers may also feel dissatisfied with their roles if they lack the resources to perform their jobs or don’t see adequate progress in the rehabilitation of the inmates. In addition, many officers may feel stuck in their roles as they perform the same duties day in and day out. As one CO describes it, life on the job is like “serving a life sentence in eight-hour shifts.” Stress and burnout also can extend beyond the prison walls and impact the personal lives of these officers.

(Continued)
FIGURE 11.9
Race and Sex of Correctional Officers in the United States


- Male: 76%
- Female: 24%

FIGURE 11.10
Average Mean Wages of Correctional Officers by State, 2017


- $51,270–$71,630
- $43,000–$51,140
- $35,710–$42,670
- $29,040–$35,410

Note: Blank areas indicate that data are not available.
Conclusion

The management of jails and prisons composes a significant part of state and federal correctional budgets. Due to our current criminal justice policies and practices, institutions are faced with large numbers of offenders. In many cases, prisons are overcrowded, which not only complicates the delivery of inmate services but can threaten the safety and security of the facility, the residents, and the staff. As prisons continue to represent a dominant force in our criminal justice system, policymakers will need to reevaluate how these institutions will be used as a form of punishment and who will be housed within their walls.

CURRENT CONTROVERSY 11.1

Should We Use Solitary Confinement to Control Violent and Disruptive Behaviors?

—Brett Garland—

Introduction

Solitary confinement is a correctional practice in America that dates back to the earliest penitentiaries. At that time, solitary confinement was used not as a punishment but as a mechanism to separate an offender from unhealthy worldly temptations and induce an ascetically inspired spiritual transformation resulting in a reformed person. This early strategy to achieve one-shot and full-scale rehabilitation proved ineffective and was short-lived. However, the practice of isolating specific offenders from each other soon gained an indelible foothold as a means to fulfill a different purpose—the control of disruptive and violent prisoners.

The use of solitary confinement as an inmate control mechanism can be categorized as a form of either disciplinary or administrative segregation. Disciplinary segregation refers to the removal of offenders from the general inmate population for a specified period of time in direct response to conduct violation. The deprivations accompanying the experience of isolation are intended to serve as a resonating punishment and prompt the offenders to rethink future misbehavior. Disciplinary isolation is typically reserved for those who commit very severe infractions and have accumulated extensive records of misconduct. Administrative segregation refers to isolating offenders who are judged to be particularly dangerous, unruly, or escape prone in order to maintain institutional order. In recent decades, administrative segregation has been used increasingly to curb gang-related violence, such as by assigning newly admitted gang leaders immediately to solitary housing placements. Since the 1980s, a number of large supermax facilities specializing in inmate isolation have been constructed to fulfill the administrative segregation function.

PRO: We Should Use Solitary Confinement to Control Offenders

One of the most popular arguments in favor of solitary confinement is that extended stays in segregation units by definition isolate dangerous and unruly prisoners and thereby prevent them from directly committing serious misconduct against the general prisoner population. This strategy is called incapacitation, and it is routinely advocated as a justification for using imprisonment as a punishment in the criminal justice system. The logic goes that if bad, harmful people are securely segregated in prison, they cannot hurt anyone out in society while incarcerated. Solitary confinement thus serves as a type of extra imprisonment within a prison facility. The solitary-based incapacitation approach assumes that prison staff will be able to maintain control of prisoners through the enhanced security of a solitary unit and not be victimized themselves. In addition, the physical isolation should, in theory, protect violent and disruptive prisoners placed there from inflicting harm on one another.

Advocates of the incapacitative function also point out that many prisoners housed in isolation units had facilitated violence and disorder by directly influencing inmate behavior in the general...
population. Prison systems in states like California have placed a substantial number of gang leaders in solitary confinement within facilities, believing that by severing the head of the gang organization, lower-ranking members will no longer receive orders to carry out gang business and consequently will become less disruptive. Prison gangs such as the Aryan Brotherhood and Mexican Mafia have hierarchical organizational structures in which lower-ranking members are guided heavily by gang leadership. Isolating problem inmates—whether gang members or not—may also create a better prison environment by removing the relatively small number of “bad apples” who cause serious disruptions and threaten institutional order. With troublemakers removed, more compliant inmates have fewer opportunities to feed into episodes of misconduct. The placement of problem offenders in solitary confinement might also make institutional programs like education classes, stress and anger management sessions, and trade skill courses function more efficiently, with inmate distractions contained. In turn, this should lead to greater institutional order and less violence since offender programming provides positive ways for inmates to occupy time and cope with the daily grind of prison life.

In addition to potential incapacitative benefits, some proponents of solitary confinement believe that the deprivations imposed by isolation will deter those who may fear facing solitary confinement from future misbehavior. Serving time in an isolated setting is often portrayed as an extremely unpleasant experience. Physical movement is severely restricted, and boredom can be extreme and agonizing. The experienced or perceived misery of isolation then should dissuade offenders from engaging in conduct that might lead to a solitary placement.

CON: We Should Not Use Solitary Confinement to Control Offenders

Opponents of solitary confinement challenge the claims that it successfully achieves incapacitative and deterrent goals. To reduce violence through incapacitation via solitary confinement, prison administrators need to isolate offenders who would otherwise commit violence and serious disruptions if left in the general prisoner population. Although identifying those who will reoffend sounds like a simple task, correctional risk assessment instruments sometimes inaccurately predict who will continue engaging in misconduct during a prison term. If the intent is to reduce violence and disorder through incapacitation but the inmate had already decided not to engage in further misconduct, the solitary placement would have no direct incapacitative impact. Critics also note that solitary confinement in supermax units creates potential hot spots of violence because prisoners with serious records are concentrated in close quarters. Even if supermax offenders are kept separate and unable to conspire together or attack one another, the frustration experienced from supermax deprivation may motivate already volatile and disruptive offenders to lash out aggressively and defiantly at staff.

Others question whether solitary confinement can significantly hinder the influence of prisoners who facilitate prison disorder through their leadership positions. Inmates are creative and have found methods to communicate with the general prisoner population when held in high-security environments, such as sending encoded written messages and manipulating staff and other offenders to communicate on their behalf. Removing leaders of prison groups and gangs from the general population might also backfire by creating power vacuums. Gang members may compete physically against one another in a prolonged struggle to fill vacant leadership roles. In addition, leaders of inmate organizations can be very influential in keeping other inmates in line, and their controlling influence may mean the aggression of lower-ranking gang members will be unleashed during their absence.

The deterrent value of solitary confinement is also debated. The certainty of receiving a specific punishment is critical for that punishment to achieve a deterrent effect. One study found that prisoners view supermax placements as quite arbitrary, meaning that for a serious prison violation warranting supermax isolation, an offender might get placed there or might get a different sanction, such as the loss of good time. Without a high degree of certainty of receiving supermax placement for serious misconduct, there is little reason to expect that inmates will be dissuaded from committing disruptive behavior. The same may hold true for solitary placements in general. Moreover, critics charge that the unpleasantness and loneliness of a stay in solitary confinement takes a tremendous psychological toll and has serious mental health consequences. Studies indicate that solitary confinement can cause severe anxiety, cognitive dysfunction, and suicidal ideation, which may impair one’s ability to function when released into the general prison population and back into society and thereby make inmates more likely to misbehave and reoffend.
Summary
Unfortunately, studies on the effectiveness of solitary confinement are relatively few in number, suffer from methodological limitations, and provide mixed results. Nonetheless, the idea of segregating violent and seriously disruptive prisoners from the general prison population is not new or unusual. Removing solitary confinement as an institutional management tool from prison administrators would undoubtedly limit their options and significantly impair their ability to handle the most unruly and troublesome offenders. On the other hand, overusing solitary confinement could pose unnecessary harms and possibly backfire strategically if inmates widely view the practice as unjust and revolt against it. As it is a fixture in the modern correctional system, perhaps the best course of action moving forward is to explore how solitary confinement can be utilized most judiciously and sparingly to achieve its intended goals.

Discussion Questions
1. Is solitary confinement an effective deterrent against institutional violence?
2. How might the use of solitary confinement be harmful to inmates?
3. What alternatives could be used to manage the safety and security of an institution in lieu of solitary confinement?

Should Prisons Punish or Rehabilitate Offenders?

—Sean Wilson—

Introduction
Prisons serve as institutions to house individuals who have been convicted of a crime. Prisons punish offenders through stigmatization and the deprivation of liberty. Punishment is a social defense, used to protect society from the criminality of potential offenders. Imprisonment as punishment also serves a moral function, meant to deter potential criminals from committing crimes. Imprisonment has been seen as a necessary tool for maintaining social control in society.

Prisons also aim to rehabilitate offenders by providing them with services aimed at reducing the offender’s probability of engaging in crime. Because the majority of incarcerated people eventually return to society, their rehabilitation while incarcerated and after incarceration is important. Rehabilitation was a priority of the criminal justice system in the United States until the 1970s. During the 1970s, prisoners were often encouraged to develop occupational skills and deal with any psychological problems while incarcerated. However, because of the tough-on-crime movement spearheaded by policymakers and legislatures across the United States, rehabilitation took a backseat to a more punitive approach to handling offenders. The tough-on-crime movement resulted in states abolishing parole authorities and creating truth-in-sentencing laws and three-strikes legislation, which has led to longer sentences for incarcerated persons. As a result, the prison population in the United States has grown sevenfold and the country has become the world leader in incarceration.

Critics and proponents of prisons have been arguing about the purpose of the prison for years. Below are the two opposing viewpoints on whether prisons should be used to punish or rehabilitate offenders.

PRO: Prisons Should Focus on Rehabilitating Offenders

Proponents of rehabilitation within prisons argue that prisons fail to prepare prisoners for reentry into society. A primary goal of imprisonment is incapacitation. Rehabilitation is often seen as a secondary priority by prison officials. However, rehabilitation is necessary for formerly incarcerated persons to become productive citizens in society. Many offenders are not prepared during their incarceration period for their impending return to society. As a result, formerly incarcerated persons tend to have high rates of recidivism once released from prison.
Research shows that incarceration has negative consequences for the mental health of inmates. Psychologists within prisons can provide incarcerated persons with much-needed group therapy and counseling. However, many psychologists in the criminal justice system have enormous caseloads and do not have enough resources to serve every inmate. Prisons are often violent places that put both incarcerated persons and correctional officers in harm’s way. Research has found that 10% to 20% of inmates report violent victimization in prison. Philip Zimbardo’s seminal prison study has shown us that the prison environment can negatively affect the behavior of both incarcerated persons and correctional officers. A study that examined supermax prisons found that inmates in these prisons experience high levels of anxiety and other negative emotions, which results in them leaving prison without the necessary social and occupational skills required to return to society successfully.

Evidence to prove a correlation between incarceration rates, recidivism, and crime is limited. Since the 1980s, incarceration rates have been increasing. However, crime rates have been consistently decreasing since the early 1990s. Thus, factors other than incarceration rates, such as changes in the economy, changes in drug markets, and alterations in police procedures, all play a role in crime rates. Therefore, crime control policies and procedures must be geared toward individual-centered and community-based responses to crime. For example, work programs, educational programming, and psychotherapy can make a former inmate’s reentry into society more comfortable. Studies show that vocational education and training programming are successful in reducing recidivism.

It costs more than $80 billion annually to incarcerate offenders, and many believe taxpayer monies could better be spent on rehabilitative and educational programming for former inmates in their community. Programs that invest in drug treatment, job training, and other interventions are a more effective crime control method than incarceration. Taxpayer-funded programs should be aimed at addressing poverty and educational needs rather than incarceration. Rehabilitative programming in prisons can reduce recidivism rates. Former inmates returning to society with social and occupational skills developed while incarcerated are less likely to recidivate than those without such training. Therefore, prisons should be used as an institution to rehabilitate offenders.

**CON: Prisons Should Focus on Punishing Offenders**

During the 1990s, crime rates decreased substantially, perhaps due to the growth in incarceration rates during that period. For example, between 1970 and 2000, the number of people in jails and prisons rose 500%. One explanation for the decrease in crime is that the rewards associated with crime no longer outweigh the potential punishment. An increase in the likelihood of serving prison time has served as a deterrent for potential offenders. Research has found that as the probability of imprisonment goes down, crime rates increase. Thus, prisons are necessary to punish offenders, reduce crime, detain offenders who cause harm to society, and deter potential offenders from committing crime.

Deterrence only works when punishment is meted out to offenders in a rational and systematic manner. The philosophical goal of punishment should be retribution. Retribution satisfies societal demands for discipline and order and subjects an offender to just punishment. The cost to build and maintain prisons may be expensive, but the societal costs associated with not protecting citizens from potential offenders would be higher. Recidivism is a significant concern for policymakers and criminal justice practitioners. Research has found that 40% of prisoners are chronic or habitual offenders. Many offenders have had several opportunities to turn their lives around, but they often fail to make meaningful changes in their lives. Therefore, prisons must be used as a tool to punish offenders for long periods of time. Keeping repeat violent offenders behind bars for long periods of time is an effective strategy to lower recidivism rates. It has been argued that the prison system in the United States is too large. Although there are more than 1.7 million prisoners incarcerated in prisons throughout the country, this is only a small percentage of the entire U.S. population. The prison population is quite small compared with the number of offenders who currently are not incarcerated. One can even argue that the criminal justice system is not punitive enough given the reality that many offenders are unlikely to be held accountable for crimes that they commit. Prisons are responsible for housing hardened criminals who pose a threat to society. Thus, prisons should strictly focus on punishing offenders for their criminality.
Summary
Proponents of rehabilitation argue that prisons are not effective in rehabilitating incarcerated persons, and they also believe that prisons need more resources to properly serve inmates. Opponents of rehabilitation argue that current prison sentences are not long enough to hold criminals accountable for their criminality and that current punishments are not effective with repeat offenders.

Discussion Questions
1. What are some of the arguments that indicate rehabilitation can reduce recidivism? Provide specific examples.
2. Do you think tough-on-crime policies deter criminal behavior? Why or why not?

Review key terms with eFlashcards
edge.sagepub.com/mallicoatccj2e

Auburn Prison 245
Congregate labor systems 245
Correctional officers 265
Dynamic risk factors 256
Eastern State Penitentiary 244
Elmira Reformatory 245
Federal prisons 252
Good time credits 245
Jail 243
Maximum-security prison 255
Medium-security prison 255
Military prisons 254
Minimum-security prison 255

New York system 245
Overcrowding 257
Pennsylvania system 244
Prison 243
Prison misconduct 260
Private prisons 253
Punishment era 246
Racial disproportionality 257
Reformatory era 245
State prisons 248
Static risk factors 256
Supermax 256

Test your mastery of chapter content • Take the Practice Quiz
edge.sagepub.com/mallicoatccj2e

1. How do issues of prison misconduct threaten the safety and security of institutions? How can prison administrators and others alleviate these problems?
2. How are jails different from prisons?
3. What are the different security levels of prison facilities?
4. How does the security level of a prison facility alter the quality of life of inmates and efforts at rehabilitation?
5. What are some of the key Supreme Court decisions that have affected inmates’ rights?
6. How can prison officials address issues of racial disproportionality within their facilities?
7. What are some challenges that correctional officers face on the job?
LEARNING ACTIVITIES

1. Investigate the use of private prisons in your state. How many private facilities operate in your state? How are they similar to and different from state-owned institutions? How many inmates in your state are housed in private prisons? What challenges does this present for these inmates?

2. Identify a recent U.S. Supreme Court decision on the rights of offenders. How might this ruling be applied to individuals in custody? How will prison officials need to respond to this ruling in order to ensure that inmate rights are not violated?

SUGGESTED WEBSITES

- Bureau of Prisons: http://www.bop.gov
- Bureau of Justice Statistics: http://www.bjs.gov
- Prison Policy Initiative: http://www.prisonpolicy.org
- Corrections Corporation of America: http://www.cca.com

STUDENT STUDY SITE

Review • Practice • Improve
edge.sagepub.com/mallicoatccj2e

Get the tools you need to sharpen your study skills. Access practice quizzes, eFlashcards, video, and multimedia at edge.sagepub.com/mallicoatccj2e

For further exploration and application, take a look at the interactive eBook for these premium resources:

Learn more at edge.sagepub.com/mallicoatccj2e.

- Career Video 11.1 Mitch Lucas: Jail Administrator
- Criminal Justice in Practice 11.1 Gang-Involved Offender
- SAGE News Clip 11.1 Alabama Women’s Prison Abuse
PRACTICE AND APPLY WHAT YOU’VE LEARNED

edge.sagepub.com/mallicoatccj2e

CHECK YOUR COMPREHENSION ON THE STUDY SITE WITH:

• **Diagnostic pre-tests** to identify opportunities for improvement.

• **Personalized study plans** with focused recommendations to address specific knowledge gaps and additional learning needs.

• **Post-tests** to check your progress and ensure mastery of key learning objectives.