Prisons and Jails

LEARNING OBJECTIVES

After reading this chapter, you should be able to

• Describe the nature and history of early punishments, and discuss their impact on the modern philosophy of corrections.
• Outline the historical development of prisons.
• Discuss the major characteristics and purpose of today’s prisons.
• Explain the role that jails play in American corrections, and discuss the issues that jail administrators currently face.
• Describe the role of private prisons today, and assess their future.
INTRODUCTION

In the history of criminal justice, the three decades that have just passed may be remembered as a time of mass imprisonment. In the 1980s, as concerns with community protection reached a near crescendo, and as stiff drug laws and strict repeat offender statutes put more and more people behind bars, rates of imprisonment reached previously unheralded levels. By the early 2000s, prison populations approached the breaking point, requiring the construction of many new facilities. Yet the use of prisons as places where convicted offenders serve time as punishment for breaking the law is a relatively new development in the handling of offenders. In fact, the emphasis on time served as the essence of criminal punishment is scarcely 200 years old.

EARLY PUNISHMENTS

Before the development of prisons, early punishments were often cruel and torturous. An example is the graphic and unsettling description of a man broken on the rack in 1721, which is provided by Camden Pelham in his *Chronicles of Crime.* The offender, Nathaniel Hawes, a domestic servant in the household of a wealthy nobleman, had stolen a sheep. When the overseer of the household discovered the offense, Hawes “shot him dead.” This is Pelham’s description of what happened next: “For these offences, of course, he was sentenced to be broken alive upon the rack, without the benefit of the coup de grâce, or mercy-stroke. Informed of the dreadful sentence, he composedly laid himself down upon his back on a strong cross, on which, with his arms and legs extended, he was fastened by ropes. The executioner, having by now with a hatchet chopped off his left hand, next took up a heavy iron bar, with which, by repeated blows, he broke his bones to shivers, till the marrow, blood, and splinters flew about the field; but the prisoner never uttered a groan nor a sigh! The ropes being next unleashed, I imagined him dead... till... he writhed himself from the cross. When he fell on the grass... he rested his head on part of the timbar, and asked the by-standers for a pipe of tobacco, which was infamously answered by kicking and spitting on him. He then begged his head might be chopped off, but to no purpose.” Pelham goes on to relate how the condemned man then engaged in conversation with onlookers, recounting details of his trial. At one point he asked one of those present to repay money he had loaned him, saying, “Don’t you perceive, I am to be kept alive.” After six hours, Pelham says, Hawes was put out of his misery by a soldier assigned to guard the proceedings. “He was knocked on the head by the... sentinel; and having been raised upon a gallows, the vultures were busy picking out the eyes of the mangled corpse, in the skull of which was clearly discernible the mark of the soldier’s musket.”

This gruesome tale may seem foreign to modern readers—as though it describes an event that happened in a barbarous time long ago or in a place far away. However, a mere 200 years
ago, before the emergence of imprisonment, convicted offenders were routinely subjected to physical punishment that often resulted in death. While fines were sometimes levied, corporal punishments were the most common form of criminal punishment and generally fit the doctrine of lex talionis (the law of retaliation). Under lex talionis, the convicted offender was sentenced to suffer a punishment that closely approximated the original injury. This rule of “an eye for an eye, a tooth for a tooth,” generally duplicated the offense. Hence if a person blinded another, he was blinded in return. Murderers were executed, sometimes in a way tailored to approximate the method they had used in committing the crime.

Flogging

Historically, the most widely used of physical punishment was flogging. The Bible mentions instances of whipping, and Christ himself was scourged. Whipping was widely used in England throughout the Middle Ages, and some offenders were said to have been beaten as they ran through the streets, hands tied behind their backs. American colonists carried the practice of flogging with them to the New World.

The last officially sanctioned flogging of a criminal offender in the United States was in Delaware on June 16, 1952, when a burglar received 20 lashes, but the practice of whipping continues in other parts of the world. Amnesty International reports its use in various countries for political and other prisoners. In 1994, the flogging in Singapore of Michael Fay, an American teenager convicted of spray-painting parked cars, caused an international outcry from opponents of corporal punishment. But in parts of the United States some people reacted in just the opposite way. After the Fay flogging (called caning in Singapore because it was carried out with a bamboo rod), eight states entertained legislation to endorse whipping or paddling as a criminal sanction. For example, Mississippi legislators proposed paddling graffitists and petty thieves; Tennessee lawmakers considered punishing vandals and burglars by public caning on courthouse steps; and Louisiana looked into the possibility of ordering parents (or a corrections officer if the parents refused) to spank their children in judicial chambers. None of the proposals made it into law.

Mutilation

While flogging is a painful punishment whose memory might deter repeat offenses, mutilation is primarily a strategy of specific deterrence that makes it difficult or impossible for individuals to commit future crimes. Throughout history, various societies have amputated the hands of thieves and robbers, blinded spies, and castrated rapists. Blasphemers had their tongues ripped out, and pickpockets suffered broken fingers. Extensive mutilation, which included cutting off the ears and ripping out the tongue, was instituted in eleventh-century Britain and imposed on hunters who poached on royal lands.

Today, some countries in the Arab world, including Iran and Saudi Arabia, still rely on a limited use of mutilation as a penalty to incapacitate selected offenders. Mutilation also creates a general deterrent by providing potential offenders with walking examples of the consequences of crime.

Branding

Before modern technology and the advent of mechanized record keeping, branding was used to readily identify convicted offenders and to warn others with whom they might come in contact of their dangerous potential.

The Romans, Greeks, French, British, and many others have all used branding at one time or another. Harry Barnes and Negley Teeters, early writers on the history of the criminal justice system, report that branding in the American colonies was customary for certain crimes, with first offenders being branded on the hand and repeat offenders receiving an identifying mark on the forehead. Women were rarely marked physically, although they may have been shamed and forced to wear marked clothing. Nathaniel Hawthorne’s The Scarlet Letter is a report on that practice, where the central figure is required to wear a red letter A embroidered on her dress, signifying adultery.
A man undergoing public punishment for a transgression of the Islamic code in Grozny, Chechnya. Other than the death penalty, corporal punishment for crime has been abolished in the United States, but it remains common in some Muslim nations. Might similar corporal punishments ever again have a place in Western criminal justice? Why or why not?

AP Wide World Photos

Public Humiliation

A number of early punishments were designed to humiliate offenders in public and to allow members of the community an opportunity for vengeance. The stocks and pillory were two such punishments. The pillory closed over the head and hands and held the offender in a standing position, while the stocks kept the person sitting with the head free. A few hundred years ago, each European town had its stocks or pillory, usually located in some central square or alongside a major thoroughfare.

Offenders sent to the stocks or pillory could expect to be heckled and spit on by passersby. Other citizens might gather to throw tomatoes or rotten eggs. On occasion, citizens who were particularly outraged by the magnitude or nature of the offense would throw rocks at the offender, ending his life. Retribution remained a community prerogative, and citizens wielded the power of final sentencing. The pillory was still used in Delaware as late as 1905.9

The ducking stool, used in colonial times to punish gossips, provided another form of public humiliation. The offender was tied to it and lowered into a river or lake, turning nearly upside down like a duck searching for food underwater.

Workhouses

Sixteenth-century Europe suffered severe economic upheaval, caused partly by wars and partly by the approach of the Industrial Revolution, which was soon to sweep the continent. By 1550, thousands of unemployed and vagrant people were scouring towns and villages seeking food and shelter. It was not long before they depleted the economic reserves of churches, which were the primary social relief agencies of the time.

In the belief that poverty was caused by laziness, governments were quick to create workhouses designed to instill “habits of industry” in the unemployed. The first workhouse in Europe opened in 1557 and taught work habits, not specific skills. Inmates were made to fashion their own furniture, build additions to the facility, and raise gardens. When the number of inmates exceeded the volume of useful work to be done, make-work projects, including treadmills and cranks, were invented to keep them busy.

Workhouses were judged successful, if only because they were constantly filled. By 1576, Parliament decreed that every county in England should build a workhouse. Although workhouses were forerunners of our modern prisons, they did not incarcerate criminal offenders—only vagrants and the destitute. Nor were they designed to punish, but served instead to reinforce the value of hard work.
Exile

Many societies have banished criminals. The French sent criminal offenders to Devil’s Island, and the Russians used Siberia for centuries for the same purpose. England sent convicts to the American colonies beginning in 1618. The British program of exile, known as transportation, served the dual purpose of providing a captive labor force for development of the colonies while assuaging growing English sentiments opposing corporal punishments. In 1776, however, the American Revolution forced the practice to end, and British penology shifted to the use of aging ships, called hulks, as temporary prisons. Hulks were anchored in harbors throughout England and served as floating confinement facilities even after transportation (to other parts of the globe) resumed.

In 1787, only 17 years after Captain Cook had discovered the continent, Australia became the new port of call for English prisoners. The name of Captain William Bligh, governor of the New South Wales penal colony, survives today as a symbol of the difficult conditions and the rough men and women of those times.

THE EMERGENCE OF PRISONS

The identity of the world’s first true prison is unknown, but at some point, penalties for crime came to include incarceration. During the Middle Ages, “punitive imprisonment appears to have been introduced into Europe . . . by the Christian Church in the incarceration of certain offenders against canon law.” Similarly, debtors’ prisons existed throughout Europe during the fifteenth and sixteenth centuries, although they housed inmates who had violated the civil law rather than criminals. John Howard, an early prison reformer, mentions prisons housing criminal offenders in Hamburg, Germany; Bern, Switzerland; and Florence, Italy, in his 1777 book, *State of Prisons.*

Early efforts to imprison offenders led to the founding of the Hospice of San Michele, a papal prison that opened in 1704, and the Maison de Force, begun at Ghent, Belgium, in 1773. The Hospice was actually a residential school for delinquent boys and housed 60 youngsters at its opening. Both facilities stressed reformation over punishment and became early alternatives to the use of physical and public punishments.

Near the end of the eighteenth century, the concept of imprisonment as punishment for crime reached its fullest expression in the United States. Imprisonment as punishment differs significantly from the concept of imprisonment for punishment, and embodiment of this concept in American penal institutions represented the beginning of a new chapter in corrections reform. Soon after they opened, U.S. prisons came to serve as models for European reformers searching for ways to humanize criminal punishment. For that reason, and to better appreciate how today’s prisons operate, it is important to understand the historical development of the prison movement in the United States. Figure 13–1 depicts the stages through which American prisons progressed following the introduction around 1790 of the concept of incarceration as a punishment for crime. Each historical era is discussed in the pages that follow. For an online history of early prison development in England, see Web Extra 13–1 at MyCrimeKit.com.

The Penitentiary Era (1790–1825)

In 1790, Philadelphia’s Walnut Street Jail was converted into a penitentiary by the Pennsylvania Quakers. The Quakers viewed incarceration as an opportunity for penance and saw prisons as places wherein offenders might make amends with society and accept responsibility for their misdeeds. The philosophy of imprisonment begun by the Quakers, heavily imbued with elements of rehabilitation and deterrence, carries over to the present day.

Inmates of the Philadelphia Penitentiary were expected to wrestle alone with the evils they harbored. Penance was the primary vehicle through which rehabilitation was anticipated, and a study of the Bible was strongly encouraged. Solitary confinement was the rule, and the penitentiary was architecturally designed to minimize contact between inmates and between inmates and staff. Exercise was allowed in small high-walled yards attached to each
### FIGURE 13–1
Stages of prison development in the United States.
Eventually, handicrafts were introduced into the prison setting, permitting prisoners to work in their cells.

Fashioned after the Philadelphia model, the Western Penitentiary opened in Pittsburgh in 1826, and the Eastern Penitentiary opened in Cherry Hill, Pennsylvania, three years later. Solitary confinement and individual cells, supported by a massive physical structure with impenetrable walls, became synonymous with the Pennsylvania system of imprisonment. Supporters heralded the Pennsylvania system as one that was humane and provided inmates with the opportunity for rehabilitation. Many well-known figures of the day spoke out in support of the Pennsylvania system, among them Benjamin Franklin and Benjamin Rush—both of whom were influential members of the Philadelphia Society for Alleviating the Miseries of Public Prisons.13

The Mass Prison Era (1825–1876)

Vermont, Massachusetts, Maryland, and New York all built institutions modeled after Pennsylvania’s penitentiaries. As prison populations began to grow, however, solitary confinement became prohibitively expensive. One of the first large prisons to abandon the Pennsylvania model was the New York State Prison at Auburn. Auburn introduced the congregate but silent system, under which inmates lived, ate, and worked together in enforced silence. This style of imprisonment, which came to be known as the Auburn system, featured group workshops rather than solitary handicrafts and reintroduced corporal punishments into the handling of offenders. Whereas isolation and enforced idleness were inherent punishments under the early Pennsylvania system, Auburn depended on whipping and hard labor to maintain the rule of silence.14

The Auburn prison was the site of an experiment in solitary confinement, which was the basis of the Pennsylvania system. Eighty-three men were placed in small solitary cells on Christmas Day of 1821 and were released in 1823 and 1824. Five of the 83 died, one went insane, another attempted suicide, and the others became “seriously demoralized.”15 Although the Auburn experiment did not accurately simulate the conditions in Pennsylvania (it allowed for no exercise, placed prisoners in tiny cells, and shunned handicrafts—which had been introduced into Pennsylvania’s prisons by the time the experiment began), it did provide an effective basis for condemnation of the Pennsylvania system. Partly as a result of the experiment, the Reverend Louis Dwight, an influential prison reformer of the time and the leader of the prestigious Prison Discipline Society of Boston, became an advocate of the Auburn system, citing its lower cost16 and more humane conditions.17 The lower cost resulted from the simpler facilities required by mass imprisonment and from group workshops that provided economies of scale unachievable under solitary confinement. Dwight also believed that the Pennsylvania style of imprisonment was unconscionable and inhumane. As a consequence of criticisms fielded by Dwight and others, most American prisons built after 1825 followed the Auburn architectural style and system of prison discipline.

About the same time, however, a number of European governments sent representatives to study the virtues of

Pennsylvania system

A form of imprisonment developed by the Pennsylvania Quakers around 1790 as an alternative to corporal punishments. This style of imprisonment made use of solitary confinement and encouraged rehabilitation.
the two American systems. Interestingly, most concluded that the Pennsylvania system was more conducive to reformation than the Auburn system, and many European prisons adopted a strict separation of inmates. Two French visitors, Gustave de Beaumont and Alexis de Tocqueville, stressed the dangers of what they called “contamination,” whereby prisoners housed in Auburn-like prisons could negatively influence one another.18

The Reformatory Era (1876–1890)

With the tension between the Auburn and Pennsylvania systems, American penology existed in an unsettled state for a half century. That tension was resolved in 1876 with the emergence of the reformatory style, which grew out of practices innovated by two especially noteworthy corrections leaders of the mid-1880s: Captain Alexander Maconochie and Sir Walter Crofton.

CAPTAIN ALEXANDER MACONOCHIE AND NORFOLK ISLAND During the early 1840s, Captain Alexander Maconochie served as the warden of Norfolk Island, a prison off the coast of Australia for “doubly condemned” inmates. English prisoners sent to Australia who committed other crimes while there were taken to Norfolk to be segregated from less recalcitrant offenders. Prior to Maconochie’s arrival, conditions at Norfolk had been atrocious. Disease and unsanitary conditions were rampant on the island, fights among inmates left many dead and more injured, and the physical facilities were not conducive to good supervision. Maconochie immediately set out to reform the island prison by providing incentives for prisoners to participate in their own reformation.

Maconochie developed a system of marks through which prisoners could earn enough credits to buy their freedom. Bad behavior removed marks from the inmate’s ledger, while acceptable behavior added marks. The mark system made possible early release and led to a recognition of the indeterminate sentence as a useful tool in the reformation of offenders. Before Maconochie, inmates had been sentenced to determinate sentences specifying a fixed number of years they had to serve before release. The mark system placed responsibility for winning an early release squarely on the inmate. Because of the system’s similarity to the later practice of parole, it won for Maconochie the title “father of parole.”

Opinion leaders in England, however, saw Maconochie’s methods as too lenient. Many pointed out that the indeterminate sentence made possible new lives for criminals in a world of vast opportunity (the Australian continent) at the expense of the British Empire. Amid charges that he coddled inmates, Maconochie was relieved of his duties as warden in 1844.

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Chaplain James Finley’s Letter from the Ohio Penitentiary, 1850

It is true, there are yet two systems of prison discipline still in use, but both claim to have the two parties—the criminal and society—equally in view. The congregational system, going on the supposition that habits of labor and moral character are the chief desiderata among this class of men, set them to work at those trades for which their physical and mental powers, together with the consideration of their former occupations, may more especially adapt them; religious instruction is also given them by men appointed expressly for the purpose; and they are permitted to labor in large communities, where they can see but not converse with each other, as the friends of this system imagine that social intercourse, of some kind and to some extent, is almost as necessary to man as food.

The separate system, on the other hand, looking upon all intercourse between criminals as only evil in its tendency, by which one rogue becomes the instructor or accomplice of another, secludes the convicts from each other but, to atone for this defect, it encourages the visits of good men to the cells of the prisoners; and the officers of these prisons make it a particular point of duty to visit the inmates very frequently themselves. The physical habits of the imprisoned are provided for by such trades as can be carried on by individual industry; a teacher is employed to lead them on in the study of useful branches of education; while the Gospel is regularly taught them, not only by sermons on the Sabbath, but by private efforts of the chaplain in his daily rounds.

Source: James Finley, Memorials of Prison Life (Cincinnati: Swormstedt and Poe, 1855).
SIR WALTER CROFTON AND THE IRISH SYSTEM  Maconochie’s innovations soon came to the attention of Sir Walter Crofton, head of the Irish prison system. Crofton adapted the idea of early release to his program of progressive stages. Inmates who entered Irish prisons had to work their way through four stages. The first, or entry level, involved solitary confinement and dull work. Most prisoners in the first level were housed at Mountjoy Prison in Dublin. The second stage assigned prisoners to Spike Island, where they worked on fortifications. The third stage placed prisoners in field units, which worked directly in the community on public-service projects. Unarmed guards supervised the prisoners. The fourth stage depended on what Crofton called the “ticket of leave.” The ticket of leave allowed prisoners to live and work in the community under the occasional supervision of a “moral instructor.” It could be revoked at any time up until the expiration of the offender’s original sentence.

Crofton was convinced that convicts could not be rehabilitated without successful reintegration into the community. His innovations were closely watched by reformers across Europe. But in 1862, a wave of violent robberies swept England and led to the passage of the 1863 Garotters Act, which mandated whipping for robberies involving violence and longer prison sentences for many other crimes, effectively rolling back the clock on Crofton’s innovations, at least in Europe.

THE ELMIRA REFORMATORY AND THE BIRTH OF PAROLE IN THE UNITED STATES  In 1865, Gaylord B. Hubbell, warden of Sing Sing Prison in New York, visited Great Britain and studied prisons there. He returned to the United States greatly impressed by the Irish system and recommended that indeterminate sentences be used in American prisons. The New York Prison Association supported Hubbell and called for the creation of a “reformatory” based on the concept of an earned early release if the inmate reformed himself.

When the new National Prison Association held its first conference in 1870 in Cincinnati, it adopted a 37-paragraph Declaration of Principles that called for reformation as the goal of imprisonment. The most significant result of the conference, however, was the move to embody those principles in a reformatory built on American soil.

In 1876, the Elmira Reformatory opened in Elmira, New York, under the direction of Zebulon Brockway, a leading advocate of indeterminate sentencing and the former superintendent of the Detroit House of Correction. The state of New York had passed an indeterminate sentencing bill that made possible early release for inmates who earned it. However, because reformation was thought most likely among younger people, the Elmira Reformatory accepted power vested in the Directors, released from the rigor of his sentence, and subjected to only the ordinary confinement of the prison. His health has since greatly improved. It is not to be wondered at that his health should decline under the strict enforcement of such a sentence. The cell in which he was confined was the same as to size, ventilation, and light as the rest; and being one of the lower tier of cells, the top of the doorway was some feet below the lower edge of the window upon the opposite side of the corridor in the outside wall. He had even less chance for fresh air than if his cell had been in almost any other location. It is the sight and knowledge of such instances of solitary unemployed confinement as this, and a wilful neglect or refusal to inform themselves upon, and recognize, the very wide distinction between the terms separate and solitary, that renders many persons so violently prejudiced against, and opposed to the “Separate System.”


When a man keeps the key of his own prison, he is soon persuaded to fit it to the lock.  
—Captain Alexander Maconochie

An Early Texas Prison

In 1860, an unknown writer described conditions in the Texas Penitentiary at Huntsville as follows:

By a special enactment of the Legislature, the front of the cell of any prisoner sentenced to solitary confinement for life, is painted black, and his name and sentence distinctly marked thereon. The object would seem to be to infuse a salutary dread into the minds of the other prisoners. Upon the only black-painted cell in the prison was the following inscription, in distinct white letters: William Brown, aged twenty-four years, convicted for murder in Grimes County, spring term, 1858, for which he is now suffering solitary confinement for life. Brown himself, however, was in fact at work in the factory with the other convicts! He entered the Penitentiary in May, 1859, and had been kept in close confinement in his cell, without labor, never being permitted to leave it for any purpose, until about the first of October, when his health was found to have suffered so much that, to preserve his life, he was, under a discretionary

only first offenders between the ages of 16 and 30. A system of graded stages required inmates to meet educational, behavioral, and other goals. Schooling was mandatory, and trade training was available in telegraphy, tailoring, plumbing, carpentry, and other areas.

Unfortunately, the reformatory “proved a relative failure and disappointment.”19 Many inmates reentered lives of crime following their release, which called the success of the reformatory ideal into question. Some authors attributed the failure of the reformatory to “the ever-present jailing psychosis”20 of the prison staff or to an overemphasis on confinement and institutional security rather than reformation, which made it difficult to implement many of the ideals on which the reformatory had been based.

Even though the reformatory was not a success, the principles it established remain important today. Thus, indeterminate sentencing, parole, trade training, education, and primacy of reformation over punishment all serve as a foundation for ongoing debates about the purpose of imprisonment.

The Industrial Era (1890–1935)

With the failure of the reformatory style of prison, concerns over security and discipline became dominant in American prisons. Inmate populations rose, costs soared, and states began to study practical alternatives. An especially attractive option was found in the potential profitability of inmate labor, and the era of the industrial prison in America was born.

Industrial prisons in the northern United States were characterized by thick, high walls; stone or brick buildings; guard towers; and smokestacks rising from within the walls. These prisons smelted steel, manufactured cabinets, molded tires, and turned out many other goods for the open market. Prisons in the South, which had been devastated by the Civil War, tended more toward farm labor and public-works projects. The South, with its labor-intensive agricultural practices, used inmates to replace slaves who had been freed during the war.

The following six systems of inmate labor were in use by the early twentieth century21:

- **Contract system.** Private businesses paid to use inmate labor. They provided the raw materials and supervised the manufacturing process inside prison facilities.
- **Piece-price system.** Goods were produced for private businesses under the supervision of prison authorities. Prisons were paid according to the number and quality of the goods manufactured.
- **Lease system.** Prisoners were taken to the work site under the supervision of armed guards. Once there, they were turned over to the private contractor, who employed them and maintained discipline.
- **Public-account system.** This system eliminated the use of private contractors. Industries were entirely prison owned, and prison authorities managed the manufacturing process from beginning to end. Goods were sold on the free market.
- **State-use system.** Prisoners manufactured only goods that could be sold by or to other state offices, or they provided labor to assist other state agencies.
- **Public-works system.** Prisoners maintained roads and highways, cleaned public parks and recreational facilities, and maintained and restored public buildings.

Large prisons that were built or converted to industrialization included San Quentin in California, Sing Sing and Auburn in New York, and the Illinois State Penitentiary at Stateville. Many prison industries were quite profitable and contributed significantly to state treasuries. Reports from 1932 show that 82,276 prisoners were involved in various forms of prison labor that year, producing products with a total value of $75,369,471—a huge amount considering the worth of the dollar 80 years ago.22 Beginning as early as the 1830s, however, workers began to complain of being forced to compete with cheap prison labor. In 1834, mechanics in New York filed a petition with the state legislature asking that prison industries paying extremely low wages be eliminated. Labor unions became very well organized and powerful by the early part of the twentieth century, and the Great Depression of the 1930s, during which jobs were scarce, brought with it a call for an end to prison industries.

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industrial prison
A correctional model intended to capitalize on the labor of convicts sentenced to confinement.

state-use system
A form of inmate labor in which items produced by inmates may only be sold by or to state offices. Items that only the state can sell include such things as license plates and hunting licenses, while items sold only to state offices include furniture and cleaning supplies.
In 1929, union influence led Congress to pass the Hawes-Cooper Act, which required prison-made goods to conform to the regulations of the states through which they were shipped. Hence states that outlawed the manufacture of free-market goods in their own prisons were effectively protected from prison-made goods that might be imported from other states. The death blow to prison industries, however, came in 1935 with the passage of the Ashurst-Sumners Act, which specifically prohibited the interstate transportation and sale of prison goods where state laws forbade them. In consort with the Ashurst-Sumners legislation, and because of economic pressures brought on by the Depression, most states soon passed statutes that curtailed prison manufacturing within their borders, and the industrial era in American corrections came to a close.

**PRISON INDUSTRIES TODAY** Although still hampered by some federal and state laws, prison industries have begun making a comeback. Under the state-use philosophy, most states still permit the prison manufacture of goods that will be used exclusively by the prison system itself or by other state agencies or that only the state can legitimately sell on the open market. North Carolina provides a good example of a modern state-use system. Its Correction Enterprises operates around 20 inmate-staffed businesses, each of which is self-supporting. North Carolina inmates manufacture prison clothing; raise vegetables and farm animals to feed inmates throughout the state; operate an oil refinery, a forestry service, and a cannery; and manufacture soap, license plates, and some office furniture. All manufactured goods other than license plates are for use within the prison system or by other state agencies. North Carolina’s Correction Enterprises pays 5% of its profits to the state’s crime victims’ compensation fund.

The federal government also operates a kind of state-use system in its institutions through a government-owned corporation called Federal Prison Industries, Inc. (also called UNICOR). The corporation was established in 1934 to retain some employment programs for federal inmates in anticipation of the elimination of free-market prison industries. Critics of UNICOR charge that inmates are paid very low wages and are trained for jobs that do not exist in the free economy. Even so, a long-term study published in 1994 found that federal inmates who participated in UNICOR “showed better adjustment, were less likely to be revoked at the end of their first year back in the community, and were more likely to find employment in the halfway house and community.” The study also found that inmates...
“earned slightly more money in the community than inmates who had similar background characteristics, but who did not participate in work and vocational training programs.”

Free-market moneymaking prison industries are also staging a comeback, some funded by private-sector investment. In 1981, under the Prison Rehabilitative Industries and Diversified Enterprises, Inc., legislation, commonly called the PRIDE Act, Florida became the first state to experiment with the wholesale transfer of its correctional industry program from public to private control. PRIDE industries include sugarcane processing, construction, and automotive repair. Other states have since followed suit.

Today, the Prison Industry Enhancement Certification Program (PIECP), administered by the Bureau of Justice Assistance (BJA), exempts certified state and local departments of corrections from normal federal restrictions on the sale of inmate-made goods in interstate commerce. In addition, the program lifts restrictions on certified corrections departments, permitting them to sell inmate-made goods to the federal government in amounts exceeding the $10,000 maximum normally imposed on such transactions. The PIECP also allows private industry to establish joint ventures with state and local correctional agencies to produce goods using inmate labor. As of September 1, 2009, 37 state and 4 county-based correctional industry programs were certified to operate under the PIECP. Learn more about the history of federal prison industries at Library Extra 13–1 at MyCrimeKit.com. Visit the National Correctional Industries Association at Web Extra 13–2 at MyCrimeKit.com to see additional information about the PIECP.

The Punitive Era (1935–1945)

The moratorium on free-market prison industries initiated by the Ashurst-Sumners Act was to last for more than half a century. Prison administrators, left with few ready alternatives, seized on custody and institutional security as the long-lost central purposes of the correctional enterprise. The punitive era that resulted was characterized by the belief that prisoners owed a debt to society that only a rigorous period of confinement could repay. Writers of the period termed such beliefs the convict bogey and the lock psychosis, referring to the fact that convicts were to be both shunned and securely locked away from society. Large maximum-security institutions flourished, and the prisoner’s daily routine became one of monotony and frustration. The punitive era was a lackluster time in American corrections. Innovations were rare, and an “out of sight, out of mind” philosophy characterized American attitudes toward inmates. The term stir-crazy grew out of the experience of many prisoners with the punitive era’s lack of educational, treatment, and work programs. In response, inmates created their own diversions, frequently attempting to escape or inciting riots. One especially secure and still notorious facility of the punitive era was the federal penitentiary on Alcatraz Island, which is described in some detail at Web Extra 13–3 at MyCrimeKit.com.
The Treatment Era (1945–1967)

In the late 1940s, the mood of the nation was euphoric. Memories of World War II were dimming, industries were productive beyond the best hopes of most economic forecasters, and America’s position of world leadership was fundamentally unchallenged. Nothing seemed impossible. Amid the bounty of a postwar boom economy, politicians and the public accorded themselves the luxury of restructuring the nation’s prisons. A new interest in “corrections” and reformation, combined with the latest in behavioral techniques, ushered in a new era. The treatment era was based on a medical model of corrections—one that implied that the offender was sick and that rehabilitation was only a matter of finding the right treatment. Inmates came to be seen more as “clients” or “patients” than as offenders, and terms like resident and group member replaced inmate.

Therapy during the period took a number of forms, many of which are still used today. Most therapeutic models assumed that inmates needed help to mature psychologically and had to be taught to assume responsibility for their lives. Prisons built their programs around both individual treatment and group therapy approaches. In individual treatment, the offender and the therapist develop a face-to-face relationship. Group therapy relies on the sharing of insights, gleaned by members of the therapeutic group, to facilitate the growth process, often by first making clear to offenders the emotional basis of their criminal behavior. Other forms of therapy used in prisons have included behavior therapy, drug therapy, neurosurgery, sensory deprivation, and aversion therapy.

Inmates have not always been happy with the treatment model. In 1972, a group of prisoners at the Marion, Illinois, federal prison joined together and demanded a right to refuse treatment. The National Prison Project of the American Civil Liberties Union (ACLU) supported the inmates’ right to refuse personality-altering treatment techniques. Other suits followed. Worried about potential liability, the Law Enforcement Assistance Administration (LEAA) banned the expenditure of LEAA funds to support any prison programs utilizing psychosurgery, medical research, chemotherapy, or behavior modification.

The treatment era also suffered from attacks on the medical model on which it was based. Academics and legal scholars pointed to a lack of evidence in support of the model and began to stress individual responsibility rather than treatment in the handling of offenders. Indeterminate sentencing statutes, designed to reward inmates for improved behavior, fell before the swelling drive to replace treatment with punishment.

Any honest evaluation of the treatment era would conclude that, in practice, treatment was more an ideal than a reality. Many treatment programs existed, some of them quite intensive. Unfortunately, the correctional system in America was never capable of providing any consistent or widespread treatment because the majority of its guards and administrators were oriented primarily toward custody and were not trained to provide treatment. However, although we have identified 1967 as the end of the treatment era, many correctional rehabilitation programs survive to the present day, and new ones are continually being developed.

The Community-Based Era (1967–1980)

Beginning in the 1960s, the realities of prison overcrowding combined with a renewed faith in humanity and the treatment era’s belief in the possibility of behavioral change to inspire a movement away from institutionalized corrections and toward the creation of opportunities for reformation within local communities. The transition to community corrections (also called deinstitutionalization, diversion, and decarceration) was based on the premise that rehabilitation could not occur in isolation from the free social world to which inmates must eventually return. Advocates of community corrections portrayed prisons as dehumanizing, claiming that they further victimized offenders who had already been negatively labeled by society. Some states strongly embraced the movement toward decarceration. In 1972, for example, Massachusetts drew national attention when it closed all of its reform schools and replaced them with group homes.

Decarceration, which built on many of the intermediate sanctions discussed in the previous chapter, used a variety of programs to keep offenders in contact with the community.

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What we have learned from years of practice and the results of hundreds of studies, is that reducing recidivism is a very complex task that requires serious work on multiple fronts.

—Jeff Beard, Secretary, Pennsylvania Department of Corrections
and out of prison. Among them were halfway houses, work-release programs, and open institutions. Halfway houses have sometimes been called halfway-in or halfway-out houses, depending on whether offenders were being given a second chance before incarceration or were in the process of gradual release from prison. Boston had halfway houses as early as the 1920s, but they operated for only a few years.38 It was not until 1961 that the Federal Bureau of Prisons opened a few experimental residential centers in support of its new prerelease programs focusing on juveniles and youthful offenders. Called prerelease guidance centers, the first of these facilities were based in Los Angeles and Chicago.39

Although the era of community corrections is now in decline, halfway houses and work-release programs still operate in many parts of the country. A typical residential treatment facility today houses 15 to 20 residents and operates under the supervision of a director, supported by a handful of counselors. The environment is nonthreatening, and residents are generally free to come and go during the workday. The building looks more like a motel or a house than it does a prison. Fences and walls are nonexistent. Transportation is provided to and from work or educational sites, and the facility retains a portion of the resident’s wages to pay the costs of room and board. Residents are expected to return to the facility after work, and some group therapy may be provided.

Today’s work-release programs house offenders in traditional correctional environments—usually minimum-security prisons—but permit them to work at jobs in the community during the day and to return to the prison at night. Inmates are usually required to pay a token amount for their room and board in the institution. The first work-release law was passed by Wisconsin in 1913, but it was not until 1957 that a comprehensive program created by North Carolina spurred the development of work-release programs nationwide.40 Work release for federal prisoners was authorized by the federal Prisoner Rehabilitation Act of 1965.41 As work-release programs grew, study release—whereby inmates attend local colleges and technical schools—was initiated in most jurisdictions as an adjunct to work release.

Work-release programs are still very much a part of modern corrections. Almost all states have them, and many inmates work in the community as they approach the end of their sentence. Unfortunately, work-release programs are not without their social costs. Some inmates commit new crimes while in the community, and others use the opportunity to escape.

The community-based format led to innovations in the use of volunteers and to the extension of inmate privileges. “Open institutions” routinely provided inmates with a number of opportunities for community involvement and encouraged the community to participate in the prison environment. Some open institutions allowed weekend passes or extended visits by family members and friends, while a few experimented with conjugal visitation and with prisons that housed both men and women (“coeducational incarceration”). In 1968, the California Correctional Institute at Tehachapi initiated conjugal visits, in which inmates who were about to begin parole were permitted to live with their families for three days per month in apartments on the prison grounds. By the late 1960s, conjugal visitation was under consideration in many other states, and the National Advisory Commission on Criminal Justice Standards and Goals recommended that correctional authorities should make “provisions for family visits in private surroundings conducive to maintaining and strengthening family ties.”42 In 1995, however, California, which then allowed about 26,000 conjugal visits a year, eliminated this privilege for those sentenced to death or to life without parole and for those without a parole date. Rapists, sex offenders, and recently disciplined inmates were also denied conjugal privileges.


During the late 1970s and into the 1980s, public disappointment bred of high recidivism rates, coupled with dramatic media stories of inmates who committed gruesome crimes while on release in the community, led many legislatures to curtail the most liberal aspects of educational and work-release programs. Media descriptions of institutions where inmates lounged in relative luxury, enjoyed regular visits from spouses and lovers, and took frequent weekend passes created the image of “prison country clubs.” The failure of the rehabilitative ideal in community-based corrections, however, was due as much to changes in the
individual sentencing decisions of judges as it was to citizen outrage and restrictive legislative action. Evidence shows that many judges came to regard rehabilitation programs as failures and decided to implement the just deserts model of criminal sentencing. The just deserts model, discussed earlier, built on a renewed belief that offenders should “get what’s coming to them.” It quickly led to a policy of warehousing serious offenders for the avowed purpose of protecting society—and led also to a rapid decline of the decarceration initiative.

Recidivism rates were widely quoted in support of the drive to warehouse offenders. One study, for example, showed that nearly 70% of young adults paroled from prison in 22 states during 1978 were rearrested for serious crimes one or more times within six years of their release. The study group was estimated to have committed 36,000 new felonies within the six years following their release, including 324 murders, 231 rapes, 2,291 robberies, and 3,053 violent assaults. Worse still, observed the study’s authors, was the fact that 46% of recidivists would have been in prison at the time of their readmission to prison if they had served the maximum term to which they had originally been sentenced.

The failure of the rehabilitative model in corrections had already been proclaimed emphatically by Robert Martinson in 1974. Martinson and his colleagues had surveyed 231 research studies conducted to evaluate correctional treatments between 1945 and 1967. They were unable to identify any treatment program that substantially reduced recidivism. Although Martinson argued for fixed sentences, a portion of which would be served in the community, his findings were often interpreted to mean that lengthy prison terms were necessary to incapacitate offenders who could not be reformed. About the same time, the prestigious National Academy of Sciences released a report in support of Martinson, saying, “We do not now know of any program or method of rehabilitation that could be guaranteed to reduce the criminal activity of released offenders.” This combined attack on the treatment model led to the nothing-works doctrine, which, beginning in the late 1970s, cast a pall of doubt over the previously dominant treatment philosophy.

The nothing-works philosophy contributed to new sentencing schemes, such as mandatory minimum sentencing provisions and truth-in-sentencing requirements. Together with the growing popularity of “three strikes and you’re out” laws, these sentencing rules affected prison populations by substantially increasing the average time served by offenders before release. In the 1990s, prison populations continued to grow substantially because of a rise in the number of parole violators returned to prison; a drop in the annual release rates of inmates; a small number of inmates who would serve long terms or who would never be released; and enhanced punishments for drug offenders. Average time served continues to increase. In 1990, for example, murderers served, on average, 92 months before release. Today, a person convicted of murder can expect to serve 106 months in prison before being released—a 15% increase. During the same period, actual time served in prison for the crime of rape increased 27%, while drug offenders spent 35% more time behind bars.

American prison populations grew dramatically during the warehousing era (Figure 13–2)—and continue to increase. Between 1980 and 2008, state and federal prison populations more than quadrupled, from 329,000 inmates to more than 1.6 million. Much of the rise in prison populations can be attributed directly to changes in sentencing laws aimed at taking drug offenders off the streets and to the resulting rapid growth in the number of incarcerated drug felons. A warehousing era report by the American Bar Association, for example, directly attributed the huge growth in the number of inmates to what it saw as a system-wide overemphasis on drug-related offenses—an emphasis that tended to imprison mostly poor, undereducated African American youths who were rarely dangerous. The report pointed out that while the per capita rate of reported crime dropped 2.2% across the nation during the 1980s, “the incarceration rate increased more than 110 percent.”

Warehousing also contributed to numerous administrative difficulties, many of which continue to affect prison systems throughout the nation today. By 1992, when the warehousing era was in full swing, institutions in 40 states and the District of Columbia were operating under court orders to alleviate overcrowding. Entire prison systems in nine states—Alaska, Florida, Kansas, Louisiana, Mississippi, Nevada, Rhode Island, South Carolina, and Texas—had come under court control because overcrowded conditions made it impossible for prison administrators to meet court-supported constitutional requirements related

warehousing An imprisonment strategy that is based on the desire to prevent recurrent crime and that has abandoned all hope of rehabilitation.

nothing-works doctrine The belief, popularized by Robert Martinson in the 1970s, that correctional treatment programs have had little success in rehabilitating offenders.
to inmate safety. Today, even more state corrections systems have become subject to federal oversight or are operating under federal consent decrees.\textsuperscript{56}

To meet the housing needs of burgeoning prison populations during the 1980s and 1990s, some states constructed “temporary” tent cities within prison yards. Others moved more beds into already packed dormitories, often stacking prisoners three high in triple bunk beds. A few states declared a policy of early release for less dangerous inmates and instituted mandatory diversion programs for first-time nonviolent offenders. Others used sentence rollbacks to reduce the sentences of selected inmates by a fixed amount, usually 90 days. Early parole was similarly employed by numerous states to reduce overcrowded conditions. Most states shifted some of their correctional burden to local jails, and by 2000, 34 states, the District of Columbia, and the federal government were sending prisoners to other jails because of overcrowding at their own long-term institutions.\textsuperscript{57}


Warehousing and prison overcrowding were primarily the result of both public and official frustration with rehabilitative efforts. In a sense, however, they were also consequences of a strategy without a clear-cut philosophy. Because rehabilitation didn’t seem to work, early advocates of warehousing—not knowing what else to do—assumed a pragmatic stance and advocated separating criminals from society by keeping them locked up for as long as possible. Their avowed goal was the protection of law-abiding citizens.

Since the end of the warehousing era, however, a new philosophy based on the second prong of the justice model—that is, an emphasis on individual responsibility—has become the operative principle underlying many correctional initiatives. This new philosophy is grounded squarely on the concept of just deserts, in which imprisonment is seen as a fully deserved and proper consequence of criminal and irresponsible behavior rather than just the end result of a bankrupt system unable to reform its charges. Unlike previous correctional eras, which layered other purposes on the correctional experience (the reformatory era, for example, was concerned with reformation, and the industrial era sought economic gain), the current era of just deserts represents a kind of return to the root purpose of incarceration: punishment.

At the start of the just deserts era, state legislatures, encouraged in large part by their constituencies, scrambled to limit inmate privileges and to increase the pains of imprisonment.
As with any other era, the exact beginning of the just deserts era is difficult to pinpoint. Noted corrections expert Jeanne Stinchcomb says, “The justice model gained momentum throughout the 1980s and 1990s, fueled by political conservatism, media sensationalism, an all-out ‘war on drugs,’ and public attitudes expressed in ‘zero-tolerance’ terms.” It is safe to say, however, that the just deserts model of criminal punishments was firmly in place by 1995. In that year, Alabama became the first state in modern times to reestablish chain gangs. Under the Alabama system, shotgun-armed guards oversaw prisoners who were chained together by the ankles while they worked the state’s roadsides—picking up trash, clearing brush, and filling ditches. The system, intended primarily for parole violators, was tough and unforgiving. Inmates served up to 90 days on chain gangs, during which they worked 12-hour shifts and remained chained even while using portable toilet facilities.

A few months later, Arizona became the second state to field prison chain gangs. Florida jumped on the chain gang bandwagon soon afterward. Alabama chain gangs, which had expanded to include female prisoners, were discontinued in 1996 following a lawsuit against the state. The Florida Department of Corrections continues to use restricted labor squads (its name for chain gangs) at seven correctional institutions. Florida chain gang inmates are shackled at the ankles but are not connected to each other in any way.51

Nationally, chain gang proponents, though dwindling in number, continue to be adamant about the purpose this punishment serves. “If a person knows they’re going to be out on the highway in chains, they are going to think twice about committing a crime,” says former Georgia Prison Commissioner Ron Jones. Opponents of the chain gang, however, like ACLU National Prison Project spokeswoman Jenni Gainsborough, call it “a giant step backward” and “a return to the dark ages.”

In another example of the move toward greater punishment indicative of the just deserts era, Virginia abolished parole in 1995, increased sentences for certain violent crimes by as much as 700%, and announced that it would build a dozen new prisons. Changes in Virginia law were intended to move the state further in the direction of truth in sentencing and to appease the state’s voters, who—reflecting public opinion nationwide—demanded a “get tough” stance toward criminals.

“Get tough” initiatives can be seen in the “three strikes and you’re out” laws that swept through state legislatures in the late 1990s. Three-strikes legislation, which is discussed in more detail in the CJ Exhibit box in Chapter 11, mandates lengthy prison terms for criminal offenders convicted of a third violent crime or felony. Three-strikes laws have been enacted in almost 30 states and by the federal government. Critics of such laws, however, say that they do not prevent crime. Jerome Skolnick, of the University of California at Berkeley, for example, criticizes three-strikes legislation because, he says, such practices almost certainly do not reduce the risk of victimization—especially the risk of becoming a victim of random violence. That is so, says Skolnick, because most violent crimes are committed by young men between the ages of 13 and 23. “It follows,” according to Skolnick, “that if we jail them for life after their third conviction, we will get them in the twilight of their careers, and other young offenders will take their place.”

Three-strikes programs, says Skolnick, are leading to the creation of “the most expensive, taxpayer-supported middle-age and old-age entitlement program in the history of the world,” which will provide housing and medical care to older, burned-out law violators. Another author puts it this way: “The question . . . is whether it makes sense to continue to incarcerate aged prisoners beyond the time they would have served under ordinary sentences. This is unnecessary from the standpoint of public safety, and it is expensive.”

Criticisms of three-strikes laws fail to appreciate the sentiments underlying the current correctional era. Proponents of “get tough” policies, while no doubt interested in personal safety, lower crime rates, and balanced state and federal budgets, are keenly focused on retribution. And where retribution fuels a correctional policy, deterrence, reformation, and economic considerations play only secondary roles. As more and more states have enacted three-strikes and other “get tough” legislation, prison populations across the nation have continued to swell, eclipsing those of the warehousing era. The just deserts era of correctional philosophy now provides what has become for many an acceptable rationale for continued prison expansion. Some, however, fear that the prevailing retribution-based “lock ‘em up” philosophy bodes ill for the future of American corrections. “I am worried there is
going to be a disaster in our prisons,” says J. Michael Quinlan, who was director of the Federal Bureau of Prisons under Presidents Ronald Reagan and George Bush. \(^6\) The combination of burgeoning prison populations and restrictions on inmate privileges could have a catastrophic and disastrous effect—leading to riots, more prison violence, work stoppages, an increased number of inmate suicides, and other forms of prison disorder—says Quinlan. \(^7\) Learn more about the impact of the just deserts model on corrections via Library Extra 13–2 at MyCrimeKit.com.

PRISONS TODAY

There are approximately 1,325 state prisons and 84 federal prisons in operation across the country today. \(^7\) More are being built as both the states and the federal government continue to fund and construct new facilities. America’s prison population has more than quadrupled since 1980, although the growth rate has recently been slowing. On June 30, 2008, the nation’s state and federal prisons held 1,610,584 inmates. \(^7\) Slightly more than 7% (or 115,779) of those imprisoned were women. \(^7\) A special report released by the Public Safety Performance Project of the Pew Charitable Trusts in 2007 predicts that the nation’s prison population will rise significantly in the near future. \(^7\) From a comparative perspective, the number of people behind bars in the United States is striking, and an even more recent report from Pew notes that “the United States incarcerates more people than any country in the world, including the far more populous nation of China.” \(^7\)

The incarceration rate for state and federal prisoners sentenced to more than a year has reached a record 509 prisoners for every 100,000 U.S. residents. Close to one out of every 100 men and almost one out of every 1,500 women were sentenced prisoners under the jurisdiction of state or federal authorities in mid-2008. \(^7\) Even if today’s incarceration rates remain unchanged, 6.6% of U.S. residents born in 2001 will go to prison at some time during their lifetime. \(^7\)

Statistics tell us quite a bit about those in our prisons. Most people sentenced to state prisons are convicted of violent crimes (53%), while property crimes (19.2%) and drug crimes (19.5%) are nearly tied as the second most common type of offenses for which offenders are imprisoned. \(^7\) In contrast, prisoners sentenced for drug-law violations are the single largest group of federal inmates (53%), and the increase in the imprisonment of drug offenders accounts for more than three-quarters of the total growth in the number of federal inmates since 1980. \(^7\)
California inmate release prompts public safety debate

Without a U.S. Supreme Court reprieve, California will have to free roughly a third of its prison inmates in a few years, and how that can be done safely is still hotly debated.

Corrections officials said Tuesday they are struggling with their response to a tentative federal court ruling this week that the state must remove as many as 57,000 inmates over the next two or three years.

The state’s 33 adult prisons now hold about 158,000 inmates. But the judges said overcrowding is so severe it unconstitutionally compromises medical care of inmates, and releasing prisoners is the only solution.

“We are just now beginning to have discussions (about) who these types of inmates would be. Then, how do we get to that number?” said Matthew Cate, secretary of the state Department of Corrections and Rehabilitation.

The department has no contingency plan, he said, other than appealing to the U.S. Supreme Court once the ruling becomes final.

The judges said their ruling does not amount to throwing open the cell doors.

“The state has a number of options, including reform of the earned credit and parole systems, that would serve to reduce the population . . . without adversely affecting public safety,” the judges wrote in the decision released Monday.

Gov. Arnold Schwarzenegger already has asked lawmakers to take a number of steps to reduce the inmate population:

- Ending parole for former inmates not convicted of a violent or sex-related crime. That would lead to fewer parolees being sent back to prison because they violated rules.
- Raising the monetary limit for property crimes to be considered felonies. That would send more petty thieves to county jails instead of state prisons.
- Giving inmates more early release credits for completing educational or vocational programs.
- Freeing or diverting inmates as the judges suggest is “a dangerous game of Russian roulette,” said Stanislaus County Chief Probation Officer Jerry Powers, who heads the statewide chief probation officers association.
- He said counties lack the capacity to handle additional offenders.

Law enforcement groups also object that Schwarzenegger’s proposal would rule out prison for those convicted of drug offenses, drunken driving, white collar or property crimes such as vehicle theft, grand theft or receiving stolen property, among others.

The state likely could not reach the judges’ target without also freeing some serious repeat offenders and inmates serving life sentences, they said.

Republican Assemblyman Jim Nielson, a former chair of the state parole board, said California should accelerate construction of new prison cells to ease the overcrowding rather than release inmates, although building plans have stalled for nearly two years.

The state already has transferred 6,600 inmates to private prisons in other states, and could try to boost the transfers as an alternative to freeing convicts early.

An examination of imprisonment statistics by race highlights the huge disparity between blacks and whites in prison. While only an estimated 1,172 white men are imprisoned in the United States for every 100,000 white men in their late 20s, figures show an incarceration rate of 8,367 black men for every 100,000 black men of the same age—seven times greater than the figure for whites.80 Worse, the imprisonment rate of blacks increased dramatically during the past ten years, while the rate of white imprisonment grew far less. Almost 17% of adult black men in the United States have served time in prison—a rate over twice as high as that for adult Hispanic males (7.7%) and over six times as high as that for adult white males (2.6%).81 According to the Bureau of Justice Statistics (BJS), a black male living in America today has a 32.3% lifetime chance of going to prison, and a black female has a 5.6% lifetime chance of imprisonment. That contrasts sharply with the lifetime chances of imprisonment for white males (5.9%) and white females (0.9%).82

The use of imprisonment varies considerably between states. While the average rate of imprisonment in the United States in mid-2008 was 509 per every 100,000 people in the population,83 some state rates were nearly double that figure.84 Louisiana, for example, was holding 858 out of every 100,000 of its citizens in prison in mid-2008, while Mississippi was a close second with an incarceration rate of 749. Texas, a state with traditionally high rates of imprisonment, held 668 prisoners per every 100,000 people. Maine had the lowest rate of imprisonment of all the states (133), while other states with low rates were Rhode Island (241), North
A recent study by David Greenberg and Valerie West identified factors that contribute to variation in incarceration rates between states. Greenberg and West found that a state's violent crime rate was a significant determinant of its incarceration rate but was not the only factor involved. Also important were the political leanings of the state's population (more politically conservative states made greater use of imprisonment), the amount of money available to build and maintain prisons (more money led to more imprisonment), the employment rate (unemployment contributed to higher rates of imprisonment), the percentage of African American men in the state's population (the higher the percentage, the higher the rate of imprisonment), and the level of welfare support available to the poor (higher welfare payments meant less imprisonment). The authors also found that income inequality was not a predictor of imprisonment rates and that the degree of urbanization in a state had no effect on imprisonment.

The size of prison facilities varies greatly. One out of every four state institutions is a large maximum-security prison, with a population approaching 1,000 inmates. A few exceed that figure, but the typical state prison is small, with an inmate population of less than 500. Community-based facilities average around 50 residents. The typical prison system in relatively populous states consists of:

- One high-security prison for long-term, high-risk offenders
- One or more medium-security institutions for offenders who are not high risks
- One institution for adult women
- One or two institutions for young adults (generally under age 25)
- One or two specialized mental hospital–type security prisons for mentally ill prisoners
- One or more open-type institutions for low-risk, nonviolent inmates

Incarceration costs average around $62 per inmate per day at both the state and federal levels when all types of adult correctional facilities are averaged together. Prison systems across the nation face spiraling costs as the number of inmates grows and as the age of the inmate population increases. The cost of running the nation’s correctional facilities and related programs approached $67 billion in 2003.

### Overcrowding

The just deserts philosophy has led to substantial and continued increases in the American prison population even as crime rates have been dropping. In 1990, for example, the U.S. rate of imprisonment stood at 292 prisoners per every 100,000 residents. By 1995, it had reached 399, and by mid-2008, it was 509. While the rate of growth has been slowing, it is still inching higher.

Even though many new prisons have been built throughout the nation during the past 20 years to accommodate the growing number of inmates, prison overcrowding is still very much a reality in many jurisdictions. Prison overcrowding can be measured along a number of dimensions, including these:

- Space available per inmate (such as square feet of floor space)
- How long inmates are confined in cells or housing units (versus time spent on recreation and other activities)
- Living arrangements (for example, single versus double bunks)
- Type of housing (use of segregation facilities, tents, and so on in place of general housing)
Further complicating the picture is the fact that prison officials have developed three definitions of **prison capacity**. **Rated capacity** refers to the size of the inmate population that a facility can handle according to the judgment of experts. **Operational capacity** is the number of inmates that a facility can effectively accommodate based on an appraisal of the institution’s staff, programs, and services. **Design capacity** refers to the inmate population that the institution was originally built to handle. Rated capacity estimates usually yield the largest inmate capacities, while design capacity (on which observations in this chapter are based) typically shows the highest amount of overcrowding.

Overcrowding by itself is not cruel and unusual punishment, according to the U.S. Supreme Court in **Rhodes v. Chapman** (1981), which considered the issue of double bunking along with other alleged forms of “deprivation” at the Southern Ohio Correctional Facility. The Court, reasoning that overcrowding is not necessarily dangerous if other prison services are adequate, held that prison housing conditions may be “restrictive and even harsh,” for they are part of the penalty that offenders pay for their crimes.

However, overcrowding combined with other negative conditions may lead to a finding against the prison system. The American Correctional Association (ACA) believes that such a totality-of-conditions approach requires courts to assess the overall quality of prison life while viewing overcrowded conditions in combination with

- The prison’s ability to meet basic human needs
- The adequacy of the facility’s staff
- The program opportunities available to inmates
- The quality and strength of the prison management


**SELECTIVE INCAPACITATION: A STRATEGY TO REDUCE PRISON POPULATIONS**

Some authors have identified the central issue of imprisonment as one of selective versus collective incapacitation. Collective incapacitation, a strategy that would imprison almost all serious offenders, is still found today in states that rely on predetermined, or fixed, sentences for given offenses or for a series of specified kinds of offenses (as in the case of three-strikes legislation). Collective incapacitation is, however, prohibitively expensive as well as unnecessary, in the opinion of many experts. Not all offenders need to be imprisoned because not all represent a continuing threat to society, but those who do are difficult to identify.

In most jurisdictions where the just deserts model holds sway, selective incapacitation has become the rule. Selective incapacitation seeks to identify the most dangerous criminals, with the goal of removing them from society. Repeat offenders with records of serious and violent crimes are the most likely candidates for incapacitation—as are those who will probably commit violent crimes in the future, even though they have no records. But potentially violent offenders cannot be readily identified, and those thought likely to commit crimes cannot be sentenced to lengthy prison terms for things they have not yet done.

In support of selective incapacitation, many states have enacted career offender statutes that attempt to identify potentially dangerous offenders out of known criminal populations. Selective incapacitation efforts, however, have been criticized for yielding a rate of “false positives” of over 60%, and some authors have called selective incapacitation a “strategy of failure.” Nevertheless, in an analysis of recidivism studies, Canadians Paul Gendreau, Tracy Little, and Claire Goggin found that criminal history, a history of preadult antisocial behavior, and “criminogenic needs”—which were defined as measurable antisocial thoughts, values, and behaviors—were all dependable predictors of recidivism. The article, subtitled “What Works!” was intended as a response to Martinson’s nothing-works doctrine, mentioned earlier.

Some states, however, have had to scramble in an attempt to implement selective incarceration principles. In 2009, for example, a federal judicial panel ordered the release of almost 60,000 California prison inmates due to overcrowding. California’s governor, Arnold Schwarzenegger, worked quickly with legislators to establish programs to encourage the diversion or release of nonviolent offenders while attempting to assure the public that murderers, rapists, robbers, and other violent felons would remain behind bars. The incident, which is described in a CJ News box in this chapter, caused a statewide uproar and media furor.
As the just deserts model continues to take center stage, it is likely that we will see the continued sentencing of violent criminals to lengthy prison stays with little possibility of release and the increased use of alternative sanctions and diversion for minor offenders.

**Security Levels**

Maximum-custody (or maximum-security) prisons tend to be massive old buildings with large inmate populations. However, some, like Central Prison in Raleigh, North Carolina, are much newer and incorporate advances in prison architecture to provide tight security without sacrificing building aesthetics. Such institutions provide a high level of security characterized by high fences, thick walls, secure cells, gun towers, and armed prison guards. Maximum-custody prisons tend to locate cells and other inmate living facilities at the center of the institution and place a variety of barriers between the living area and the institution’s outer perimeter. Technological innovations, such as electric perimeters, laser motion detectors, electronic and pneumatic locking systems, metal detectors, X-ray machines, television surveillance, radio communications, and computer information systems, are frequently used today to reinforce the more traditional maximum-security strategies. These technologies have helped to lower the cost of new prison construction. However, some people argue that prisons may rely too heavily on electronic detection devices that have not yet been adequately tested. Death-row inmates are all maximum-security prisoners, although the level of security on death row exceeds even that experienced by most prisoners held in maximum custody. Prisoners on death row must spend much of the day in single cells and are often permitted a brief shower only once a week under close supervision.

Most states today have one large, centrally located maximum-security institution. Some of these prisons combine more than one custody level and may be both maximum- and medium-security facilities. Medium security is a custody level that in many ways resembles maximum security. Medium-security prisoners are generally permitted more freedom to associate with one another and can go to the prison yard, exercise room, library, and shower and bathroom facilities under less intense supervision. An important security tool in medium-security prisons is the count, which is a head count of inmates taken at regular intervals. Counts may be taken four times a day and usually require inmates to report to designated areas to be counted. Until the count has been “cleared,” all other inmate activity must cease. Medium-security prisons tend to be smaller than maximum-security institutions and often have barbed-wire-topped chain-link fences instead of the more secure stone or concrete block walls found in many of the older maximum-security facilities. Cells and living quarters tend to have more windows and are often located closer to the perimeter of the institution than in maximum-security facilities. Dormitory-style housing, where prisoners live together in wardlike arrangements, is sometimes found in medium-security facilities. There are generally more opportunities for inmates to participate in recreational and other prison programs than in maximum-custody facilities.

In minimum-security institutions, inmates are generally housed in dormitory-like settings and are free to walk the yard and to visit most of the prison facilities. Some newer prisons provide minimum-security inmates with private rooms, which they can decorate (within limits) according to their tastes. Inmates usually have free access to a canteen that sells items like cigarettes, toothpaste, and candy bars. Minimum-security inmates often wear uniforms of a different color from those of inmates in higher custody levels, and in some institutions they may wear civilian clothes. They work under only general supervision and usually have access to recreational, educational, and skills-training programs on the prison grounds. Guards are unarmed, gun towers do not exist, and fences, if they are present at all, are...
usually low and gates are sometimes even unlocked. Many minimum-security prisoners participate in some sort of work- or study-release program, and some have extensive visitation and furlough privileges. Counts may be taken, although most minimum-security institutions keep track of inmates through daily administrative work schedules. The primary “force” holding inmates in minimum-security institutions is their own restraint. Inmates live with the knowledge that minimum-security institutions are one step removed from close correctional supervision and that if they fail to meet the expectations of administrators, they will be transferred into more secure institutions, which will probably delay their release. Inmates returning from assignments in the community may be frisked for contraband, but body-cavity searches are rare in minimum custody, being reserved primarily for inmates suspected of smuggling.

The typical American prison today is medium or minimum custody. Some states have as many as 80 or 90 small institutions, which may originally have been located in every county to serve the needs of public works and highway maintenance. Medium- and minimum-security institutions house the bulk of the country’s prison population and offer a number of programs and services designed to assist with the rehabilitation of offenders and to create the conditions necessary for the successful reentry of the inmate into society. Most prisons offer psychiatric services, academic education, vocational education, substance-abuse treatment, health care, counseling, recreation, library services, religious programs, and industrial and agricultural training.98 Learn more about all aspects of contemporary prisons from the Corrections Connection via Web Extra 13–4 at MyCrimeKit.com.

### Prison Classification Systems

Most states use a **classification system** to assign new prisoners to initial custody levels based on their perceived dangerousness, escape risk, and type of offense. A prisoner might be assigned to a minimum-, medium-, or maximum-custody institution. Inmates move through custody levels according to the progress they are judged to have made in self-control and demonstrated responsibility. Serious violent criminals who begin their prison careers with lengthy sentences in maximum custody have the opportunity in most states to work their way up to minimum security, although the process usually takes a number of years. Those who represent continual disciplinary problems are returned to closer custody levels. Minimum-security prisons, as a result, house inmates convicted of all types of criminal offenses.

Once an inmate has been assigned to a custody level, he or she may be reassessed for living and work assignments within the institution. Just as initial (or external) custody classification systems determine security levels, internal classification systems are designed to help determine appropriate housing plans and program interventions within a particular facility for inmates who share a common custody level. In short, initial classification determines the institution in which an inmate is placed, and internal classification determines placement and program assignment within that institution.99 Learn more about internal prison classification systems at Library Extra 13–5 at MyCrimeKit.com.

Objective prison classification systems were adopted by many states in the 1980s, but it wasn’t until the late 1990s that such systems were refined and validated. Fueled by litigation and overcrowding, classification systems are now viewed as the principal management tool for allocating scarce prison resources efficiently and for minimizing the potential for violence or escape. Classification systems are also expected to provide greater accountability and to forecast future prison bed-space needs. A properly functioning classification system is the “brain” of prison management, governing and influencing many important decisions, including such fiscal matters as staffing levels, bed space, and programming.100

One of the best-known internal classification systems in use today is the adult internal management system (AIMS). AIMS was developed more than 20 years ago to reduce institutional predatory behavior by identifying potential predators and separating them from vulnerable inmates. AIMS assesses an inmate’s predatory potential by quantifying aspects of his or her (1) record of misconduct, (2) ability to follow staff directions, and (3) level of aggression toward other inmates.

Before concluding this discussion of classification, it is important to recognize that the criteria used to classify prisoners must be relevant to the legitimate security needs of the classification system

A system used by prison administrators to assign inmates to custody levels based on offense history, assessed dangerousness, perceived risk of escape, and other factors.

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institution. In 2005, for example, the U.S. Supreme Court, in the case of Johnson v. California, invalidated the California Department of Corrections and Rehabilitation’s (CDCR) unwritten policy of racially segregating prisoners in double cells for up to 60 days each time they entered a new correctional facility. The policy had been based on a claim that it prevented violence caused by racial gangs. The Court, however, held that the California policy was “immediately suspect” as an “express racial classification” and found that the CDCR was unable to demonstrate that the practice served a compelling state interest.

The Federal Prison System

In 1895, the federal government opened a prison at Leavenworth, Kansas, for civilians convicted of violating federal law. Leavenworth had been a military prison, and control over the facility was transferred from the Department of the Army to the Department of Justice. By 1906, the Leavenworth facility had been expanded to a capacity of 1,200 inmates, and another federal prison—in Atlanta, Georgia—was built. McNeil Island Prison in Washington State was also functioning by the early 1900s. The first federal prison for women opened in 1927 in Alderson, West Virginia. With the increasing complexity of the federal criminal code, the number of federal prisoners grew.

On May 14, 1930, the Federal Bureau of Prisons (BOP) was created under the direction of Sanford Bates. The BOP was charged with providing progressive and humane care for federal inmates, professionalizing the federal prison service, and ensuring consistent and centralized administration of the 11 federal prisons in operation at the time. The bureau inherited a system that was dramatically overcrowded. Many federal prisoners were among the most notorious criminals in the nation, and ideals of humane treatment and rehabilitation were all but lacking in the facilities of the 1920s. Bates began a program of improvements to relieve overcrowding and to increase the treatment capacity of the system. In 1933, the Medical Center for Federal Prisoners opened in Springfield, Missouri, with a capacity of around 1,000 inmates. Alcatraz Island began operations in 1934.

Most of the federal prison system’s growth since the mid-1980s has been the result of the Sentencing Reform Act of 1984 (which established determinate sentencing, abolished parole, and reduced good time) and federal mandatory minimum sentences enacted in 1986, 1988, and 1990. From 1980 to 1989, the federal inmate population more than doubled, from just over 24,000 to almost 58,000. During the 1990s, the population more than doubled again, and it continued to grow throughout the early years of the twenty-first century, reaching approximately 209,030 prisoners (or 40% over capacity) by mid-October 2009.
Today, the federal prison system consists of 103 institutions, six regional offices, the Central Office (headquarters), two staff-training centers, and 28 community corrections offices. The regional offices and the Central Office provide administrative oversight and support to the institutions and to the community corrections offices, which oversee community corrections centers and home-confinement programs. The federal correctional workforce is one of the fastest growing in the country, and at mid-2009, the BOP employed more than 36,000 people.

The BOP classifies its institutions according to five security levels: (1) administrative maximum (ADMAX), (2) high security, (3) medium security, (4) low security, and (5) minimum security. High-security facilities are called U.S. penitentiaries (USPs); medium- and low-security institutions are both called federal correctional institutions (FCIs); and minimum-security prisons are termed federal prison camps (FPCs). Minimum-security facilities (like Eglin Air Force Base, Florida, and Maxwell Air Force Base, Alabama) are essentially honor-type camps with barracks-type housing and no fencing. Low-security facilities in the federal prison system are surrounded by double chain-link fencing and employ vehicle patrols around their perimeters to enhance security. Medium-security facilities (like those in Terminal Island, California; Lompoc, California; and Seagoville, Texas) make use of similar fencing and patrols but supplement them with electronic monitoring of the grounds and perimeter areas. High-security facilities (USPs like those in Atlanta, Georgia; Lewisburg, Pennsylvania; Terre Haute, Indiana; and Leavenworth, Kansas) are architecturally designed to prevent escapes and to contain disturbances. They also make use of armed patrols and intense electronic surveillance.

A separate federal prison category is that of administrative facilities, consisting of institutions with special missions that are designed to house all types of inmates. Most administrative facilities are metropolitan detention centers (MDCs). MDCs, which are generally located in large cities close to federal courthouses, are the jails of the federal correctional system and hold defendants awaiting trial in federal court. Another five administrative facilities, medical centers for federal prisoners (MCFPs), function as hospitals.

Federal correctional facilities exist either as single institutions or as federal correctional complexes—that is, sites consisting of more than one type of correctional institution (Figure 13–3). The federal correctional complex at Allenwood, Pennsylvania, for example, consists of a U.S. penitentiary, a federal prison camp, and two federal correctional institutions (one low and one medium security), each with its own warden. Federal institutions can be classified by type as follows: 55 are federal prison camps (holding 35% of all federal prisoners), 17 are low-security facilities (28%), 26 are medium-security facilities (23%), eight are high-security prisons (13%), and one is an ADMAX facility (1%).

The federal system’s only ADMAX unit, the $60 million ultra-high-security prison at Florence, Colorado, is a relatively recent addition to the federal system. Dubbed “the Alcatraz

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**FIGURE 13–3**


Source: Federal Bureau of Prisons.

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ADMAX

Administrative maximum. The term is used by the federal government to denote ultra-high-security prisons.

With the huge expansion of prisons starting in the 1980s, most prison systems gave up believing they had any responsibility for changing offenders or what happened after offenders were released. The objective became that prisons should be just for punishment, and politicians competed to see who could make prisons more unpleasant.

—Todd Clear, John Jay College of Criminal Justice
of the Rockies,” the 575-bed facility was designed to be the most secure prison ever built by the government.108 Opened in 1995, it holds mob bosses, spies, terrorists, murderers, and escape artists. Dangerous inmates are confined to their cells 23 hours per day and are not allowed to see or associate with other inmates. Electronically controlled doors throughout the institution channel inmates to individual exercise sessions, and educational courses, religious services, and administrative matters are conducted via closed-circuit television piped directly into the prisoners’ cells. Remote-controlled heavy steel doors within the prison allow correctional staff to section off the institution in the event of rioting, and the system can be controlled from outside if the entire prison is compromised.

In an effort to combat rising expenses associated with a rapidly growing federal prison population, the U.S. Congress passed legislation in 1992 that imposes a “user fee” on federal inmates who are able to pay the costs associated with their incarceration.109 Under the law, inmates may be assessed a dollar amount up to the cost of a year’s incarceration—currently around $22,600.110 The statute, which was designed so as not to impose hardships on poor offenders or their dependents, directs that collected funds, estimated to total $48 million per year, are to be used to improve alcohol- and drug-abuse programs within federal prisons. To learn more about the Federal Bureau of Prisons, visit Web Extra 13–5 or read Library Extras 13–6 and 13–7 at MyCrimeKit.com.

Recent Improvements

In the midst of frequent lawsuits, court-ordered changes in prison administration, and overcrowded conditions, outstanding prison facilities are being recognized through the American Correctional Association’s accreditation program. The ACA Commission on Accreditation has developed a set of standards that correctional institutions can use for conducting self-evaluations. Institutions that meet the standards can apply for accreditation under the program.

Another avenue toward improvement of the nation’s prisons can be found in the National Academy of Corrections, the training arm of the National Institute of Corrections. The academy, located in Boulder, Colorado, offers seminars, videoconferencing, and training sessions for state and local corrections managers, trainers, personnel directors, sheriffs, and state legislators.111 Issues covered include strategies to control overcrowding, community corrections program management, prison programs, gangs and disturbances, security, and public and media relations.112

JAILS

Jails are locally operated short-term confinement facilities originally built to hold suspects following arrest and pending trial. Today’s jails also serve these purposes113:

- They receive individuals pending arraignment and hold them awaiting trial, conviction, or sentencing.
- They readmit probation, parole, and bail-bond violators and absconders.
- They temporarily detain juveniles, the mentally ill, and others pending transfer to appropriate facilities.
- They hold individuals for the military, for protective custody, for contempt, and for the courts as witnesses.
- They release convicted inmates to the community upon completion of their sentence.
- They transfer inmates to federal, state, or other authorities.
- They house inmates for federal, state, or other authorities because of overcrowding in their facilities.
- They operate community-based programs with day reporting, home detention, electronic monitoring, or other types of supervision.
- They hold inmates sentenced to short terms (generally less than one year).

A recent report by the Bureau of Justice Statistics found that the nation’s jails held 780,581 inmates—12.9% of whom were women.114 Juveniles held in local jails numbered 4,836.115 More than half of jail inmates have been convicted of a crime; a quarter are being detained...
Federal Bureau of Prisons

Name: Don Drennon Gala, Ph.D.

Position: Correctional Treatment Specialist (Senior Case Manager)/Federal Officer

City: Atlanta, Georgia

Colleges Attended:
University of Rochester, University of Central Oklahoma, Rochester Institute of Technology, Monroe Community College

Year Hired: 1983

“The more education I attained, the more open I became to other positions within the law enforcement field. The field of law enforcement is continually evolving as a profession. This is true in federal corrections as well. Today, many federal correctional officers have at least a bachelor’s degree and many hold a master’s degree. The professionalism of BOP staff is viewed as improving on a daily basis, with all professional personnel holding college or university degrees. Through Unit Management, of which I am a part, a team of professionals provides services that have an impact on inmates’ lives following release—and on the general public. This work is anything but boring; it demands professionalism and constant attention.”

TYPICAL POSITIONS

Case managers engage in multiple tasks within and outside the institution. They perform correctional casework and interview inmates for multiple agency needs, such as detecting violations of regulations and law and determining inmate needs in terms of safety and possible central inmate monitoring assignments. They prepare reports for the special investigative agent, addressing violations of regulations and laws as well as possible gang activity. They also develop, evaluate, and analyze program needs and assess inmate need; evaluate the progress of individual offenders in the institution; prepare progress reports periodically for transfers, special programs, and release; coordinate and integrate inmate training programs; develop social histories and prepare written reports; evaluate positive and negative aspects in each case situation as part of the assessment process; advise new inmates about available programs; conduct program reviews; conduct individual and group counseling of inmates about their previous lifestyle and problem-solving skills; provide case reports to the U.S. Parole Commission and U.S. Probation; work with inmates, their families, and other interested people in developing parole and release plans; work with the U.S. Probation Officers and other agencies in developing and implementing release plans or programs for inmates; set up and coordinate the release of inmates to halfway houses, supervised release through U.S. Probation, and any other court-ordered action to be taken; and enforce criminal statutes and judicial sanctions, including investigative, arrest, and detention authority. A case manager also screens new inmates and prepares written reports of the information obtained and conducts physical and electronic surveillance of inmates and visitors, using a variety of audio, video, and photographic equipment.

EMPLOYMENT REQUIREMENTS

General employment requirements include (1) an age between 23 and 37; (2) excellent physical health; (3) good vision, 20/20 corrected; (4) good hearing; (5) U.S. citizenship; (6) a valid driver’s license; (7) successful completion of a comprehensive field background investigation; (8) passing a urinalysis; (9) a formal interview; and (10) successful completion of the academy at the Federal Law Enforcement Training Center at Glynco, Georgia.

OTHER REQUIREMENTS

Positions as a psychologist or attorney require the appropriate professional degrees and licenses. The case manager position requires a bachelor’s degree from an accredited college or university, including 24 semester hours in the social sciences. Entry-level positions in information technology require a bachelor’s degree in computer science or a closely related field. The Bureau of Prisons (BOP) values education and emphasizes college or university degrees when hiring personnel for most positions above the entry-level correctional officer positions.

SALARY

Correctional officers enter the BOP at the GS-5 or GS-6 level with a bachelor’s degree or one year of pertinent experience. Case managers enter at GS-9, and after successfully completing one year in this position, they are eligible to be promoted to GS-11. BOP employees can advance to GS-12 as a first-line supervisor and to GS-14 as a middle manager. Positions are available at the GS-15 level and senior executive service.

BENEFITS

Benefits include (1) 13 days of sick leave per year; (2) two and a half to five weeks of paid vacation each year based on length of service; (3) ten paid federal holidays; (4) federal health and life insurance; and (5) participation in the Federal Employees’ Retirement System.

DIRECT INQUIRES TO:

Human Resource Management Division–Staffing
U.S. Department of Justice
Federal Bureau of Prisons
320 First St., N.W.
Room 700
Washington, DC 20534
Phone: 202-307-3177
Website: http://www.bop.gov or http://www.usajobs.gov


Note: The views expressed in this profile do not necessarily represent the views of the Federal Bureau of Prisons, the U.S. Department of Justice, or the United States.
while awaiting arraignment or trial; and a sixth are being held on a prior sentence but are also awaiting arraignment or trial on a new charge.\textsuperscript{116} Jail authorities also supervised an additional 60,222 men and women in the community under programs that included the following: electronic monitoring (10,999), home detention without electronic monitoring (807), day reporting (4,841), community service (14,667), and weekender programs (11,421).\textsuperscript{117}

A total of 3,360 jails operate throughout the United States, staffed by approximately 207,600 jail employees—the equivalent of about one employee for every three jail inmates.\textsuperscript{118} Overall, the nation’s jail budget is huge, and facilities are overflowing. State and local governments spend $10 billion every year to operate the nation’s jails,\textsuperscript{119} with more than $1 billion in additional monies earmarked for new jail construction and for renovation. On average, the housing of one jail inmate costs more than $14,500 per year.\textsuperscript{120}

Approximately 20 million people are admitted (or readmitted) to the nation’s jails each year. Some jail inmates stay for as little as one day, while others serve extended periods of time. Significantly, one of the fastest-growing sectors of today’s jail population consists of sentenced offenders serving time in local jails because overcrowded prisons cannot accept them.

Most people processed through the country’s jails are members of minority groups (56%), with 38.6% of jail inmates classifying themselves as African American, 15.6% as Hispanic, and 1.8% as other minorities. Less than 1% report being of more than one race, and 44% of jail inmates classify themselves as white. Slightly more than 87% are male, and 7.8% are noncitizens.\textsuperscript{121} The typical jail inmate is an unmarried black male between 25 and 34 years of age who reports having had some high school education. Typical charges include drug trafficking (12.1%), assault (11.7%), drug possession (10.8%), and larceny (7%).\textsuperscript{122}

According to the BJS, about 6% of jail facilities house more than half of all jail inmates in the nation.\textsuperscript{123} So, although most jails are small—many were built to house 50 or fewer inmates—most people who spend time in jail do so in larger institutions. Across the country, a handful of “megajails” house thousands of inmates each. The largest such facilities are in Los Angeles; New York City; Cook County, Illinois; Harris County, Texas; and Maricopa County, Arizona. Los Angeles County’s 4,000-bed Twin Towers Correctional Facility cost $373 million to build and opened in 1997.\textsuperscript{124} The largest employer among these huge jails is Cook County’s, with more than 1,200 personnel on its payroll.\textsuperscript{125} The nation’s 50 largest jail jurisdictions hold 29.5% of all jail inmates. The two jurisdictions with the most jail inmates, Los Angeles County and New York City, together hold approximately 32,700 inmates, or 4.3% of the national total.\textsuperscript{126} More jail statistics are available at Library Extra 13–8 at MyCrimeKit.com.

Women and Jail

Although women number only 12.9% of the country’s jail population, they are the largest growth group in jails nationwide.\textsuperscript{127} Jailed women face a number of special problems. Only 25.7% of the nation’s jails report having a classification system specifically designed to evaluate female inmates,\textsuperscript{128} and although many jurisdictions have plans “to build facilities geared to the female offender,”\textsuperscript{129} not all jurisdictions today even provide separate housing areas for women. Educational levels are very low among jailed women, and fewer than half are high school graduates.\textsuperscript{130} Drug abuse is another significant source of difficulty for jailed women. More than 30% of women who are admitted to jail have a substance-abuse problem at the time of admission, and in some parts of the country, that figure may be as high as 70%.\textsuperscript{131}

Pregnancy is another problem. Nationally, 4% of female inmates are pregnant when they enter jail,\textsuperscript{132} but in urban areas, as much as 10% of the female jail population is reported to

Los Angeles County’s Men’s Central Jail. The $373 million jail, officially known as the Twin Towers Correctional Facility, opened in 1997 and is one of the world’s largest jails. What are the differences between a prison and a jail?
A. Ramey/PhotoEdit Inc.
be pregnant on any given day. As a consequence, a few hundred children are born in jails each year. However, substantive medical programs for female inmates, such as obstetrics and gynecological care, are often lacking. In planning future medical services for female inmates, some writers have advised jail administrators to expect to see an increasingly common kind of inmate: “an opiate-addicted female who is pregnant with no prior prenatal care having the warrant, officers promptly arrested, booked, and jailed the woman. She remained behind bars for two days until her family was able to hire an attorney who arranged for her release.

During the time she was jailed, the victim said, a jail health-care worker refused to administer a second—and required—dose of the morning-after medication. The medicine’s manufacturer specifies that two doses, administered 20 hours apart, are needed to prevent pregnancy. Some members of the local media, which accused the police department of insensitivity to the needs of crime victims, reported that the jail worker felt compelled to deny the woman the medication due to personal religious beliefs against use of the pill.

Vic Moore, the jailed woman’s attorney, told reporters that he was “Shocked. Stunned. Outraged. I don’t have words to describe it,” he said. “She is not a victim of any one person. She is a victim of the system. There’s just got to be some humanity involved when it’s a victim of rape.”

The Tampa Police Department, which was stung by media reports in the case, has since initiated a policy advising officers not to arrest a crime victim who has suffered injury or mental trauma whenever reasonably possible.

YOU DECIDE

1. To what extent (if at all) should the values of workers within the criminal justice system be allowed to influence their performance of job-related tasks?
2. Do you feel that the jail worker referenced in this story was within her “rights” by denying a second dose of the morning-after pill to the victim of an alleged rape? Why or why not?


The first two decades of the [twenty-first] century, at least, will see a major growth in prison populations. We have an opportunity now to start doing a better job of handling the responsibilities of the criminal justice system as well as of society. I hope we take both more seriously in the future than we do currently.

—Dr. Alfred Blumstein, Dean of the School of Urban and Public Affairs, Carnegie-Mellon University
were generally positive. Zupan’s study uncovered 626 jails in which over 50% of the corrections officer force consisted of women. However, 954 of the nation’s 3,316 jails operating at the time of the study had no female officers. Zupan noted that “an obvious problem associated with the lack of female officers in jails housing females concerns the potential for abuse and exploitation of women inmates by male staff.”

Jails that do hire women generally accord them equal footing with male staffers. Although cross-gender privacy is a potential area of legal liability, in three-quarters of the jails studied by Zupan, female officers were assigned to supervise male housing areas. Only one in four jails that employed women restricted their access to unscreened shower and toilet facilities used by men or to other areas, such as sexual-offender units.

The Growth of Jails

Jails have been called the “shame of the criminal justice system.” Many are old, poorly funded, scantily staffed by underpaid and poorly trained employees, and given low priority in local budgets. By the end of the 1980s, many of our nation’s jails had become seriously overcrowded, and court-ordered caps were sometimes placed on jail populations. One of the first such caps was imposed on the Harris County Jail in Houston, Texas, in 1990. In that year, the jail was forced to release 250 inmates after missing a deadline for reducing its resident population of 6,100 people. A nationwide survey by the Bureau of Justice Statistics, undertaken around the same time, found that 46% of all jails had been built more than 25 years earlier, and of that percentage, over half were more than 50 years old.

A 1983 national census revealed that jails were operating at 85% of their rated capacity (Table 13–1). In 1990, however, the nation’s jails were running at 104% of capacity, and new jails could be found on drawing boards and under construction across the country. By 2006, jail capacity had increased substantially, and overall jail occupancy was reported at 94% of rated capacity. Some individual facilities, however, were still desperately overcrowded. Jail jurisdictions with the largest average daily populations also reported the highest occupancy rates. At midyear 2006, occupancy was 97% of rated capacity in jail jurisdictions with an average daily population of 1,000 or more inmates, compared to 64% in those with fewer than 50 inmates.

Although jail overcrowding is not the issue it was a decade ago, it is still a problem. Overcrowded prisons have taken a toll on jails. In 2007, for example, approximately 80,371 inmates were being held in local jails because of overcrowding in state and federal prisons. Also, the practice of giving jail sentences to offenders who are unable or unwilling to make restitution, alimony, or child-support payments has added to jail occupancy and has made the local lockup, at least partially, a debtors’ prison. Symptomatic of problems brought on by huge jail populations, 314 suicides were reported in jails across the nation during a recent year. Jail deaths from all causes total about 980 annually. Other factors conspire to keep jail populations high. They include the following:

- The inability of jail inmates to make bond due to institutionalized bail-bond practices and lack of funding sources for indigent defendants
- Unnecessary delays between arrest and final case disposition

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<thead>
<tr>
<th>TABLE 13–1 Jail Facts</th>
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<tbody>
<tr>
<td>Number of jails</td>
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<tr>
<td>Number of jail inmates</td>
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<tr>
<td>Rated capacity of jails</td>
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<td>Percentage of capacity occupied</td>
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*Estimate based on earlier data.

- Unnecessarily limited access to vital information about defendants that could be useful in facilitating court-ordered pretrial release
- The limited ability of the criminal justice system to handle cases expeditiously due to a lack of needed resources (judges, assistant prosecuting attorneys, and so on)
- Inappropriate attorney delays in moving cases through court
- Unproductive statutes requiring that specified nonviolent offenders be jailed (including mandatory pretrial jailing of those caught driving while intoxicated, minor drug offenders, second-offense shoplifters, and so on)

Some innovative jurisdictions have successfully contained the growth of jail populations by diverting arrestees to community-based programs. San Diego, California, for example, uses a privately operated detoxification reception program to divert many inebriates from the “drunk tank.” Officials in Galveston County, Texas, routinely divert mentally ill arrestees directly to a mental health facility. Other areas use pretrial services and magistrates’ offices, which are open 24 hours a day, for setting bail, making release possible. Learn more about jail overcrowding by reading Library Extra 13–9 at MyCrimeKit.com.

Direct-Supervision Jails

Some suggest that the problems found in many jails stem from “mismanagement, lack of fiscal support, heterogeneous inmate populations, overuse and misuse of detention, overemphasis on custodial goals, and political and public apathy.” Others propose that environmental and organizational aspects of traditional jail architecture and staffing have led to many difficulties. Traditional jails, say these observers, were built on the assumption that inmates are inherently violent and potentially destructive. Through the use of thick walls, bars, and other architectural barriers, jails were constructed to give staff maximum control and to restrict inmates’ movements. Such institutions, however, also limit the correctional staff’s visibility and access to confinement areas. As a consequence, they tend to encourage just the kinds of inmate behavior that jails were meant to control. Today, efficient hallway patrols and expensive video technology help in overcoming the limits that old jail architecture places on supervision.

In an effort to solve many of the problems that dogged jails in the past, a new jail-management strategy emerged during the 1970s. Called direct-supervision jail, or podular/direct-supervision (PDS) jail, this approach joined “podular/unit architecture with a participative, proactive management philosophy.” Often built in a system of “pods,” or modular self-contained housing areas linked to one another, direct-supervision jails helped eliminate the old physical barriers that separated staff and inmates. Gone were the bars and the isolated, secure observation areas for officers. They were replaced by an open environment in which inmates and correctional personnel could mingle with relative freedom. In a number of such “new-generation” jails, large reinforced Plexiglas panels supplanted walls and served to separate activity areas, such as classrooms and dining halls, from one another. Soft furniture is the rule throughout such institutions, and individual rooms take the place of cells, allowing inmates at least a modicum of personal privacy. In today’s direct-supervision jails, 16 to 46 inmates typically live in one pod, with correctional staff present among the inmate population around the clock.

Direct-supervision jails have been touted for their tendency to reduce inmate dissatisfaction and for their ability to deter rape and violence among the inmate population. By eliminating architectural barriers to staff–inmate interaction, direct-supervision facilities are said to place officers back in control of institutions. A number of studies have demonstrated the success of such jails at reducing the likelihood of inmate victimization. One such study also found that staff morale in direct-supervision jails was far higher than in traditional institutions, that inmates reported reduced stress levels, and that fewer inmate-on-inmate and inmate-on-staff assaults occurred. Similarly, sexual assault, jail rape, suicide, and escape have all been found to occur far less frequently in direct-supervision facilities than in traditional institutions. Significantly, new-generation jails appear to be substantially less susceptible to lawsuits brought by inmates and to adverse court-ordered judgments against jail administrators.

While the number of direct-supervision jails has grown rapidly, such facilities are not without their problems. In 1993, for example, the 238-bed Rensselaer County PDS jail in

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**Library Extra 13–9**

A temporary confinement facility that eliminates many of the traditional barriers between inmates and correctional staff. Physical barriers in direct-supervision jails are far less common than in traditional jails, allowing staff members the opportunity for greater interaction with, and control over, residents.
Troy, New York, experienced a disturbance that resulted in “a total loss of control,” the removal of officers from the pods, and the escape of two inmates. Somewhat later, the 700-bed San Joaquin County Jail in Stockton, California, experienced numerous problems, including the escape of seven inmates.

Some authors have recognized that new-generation jails are too frequently run by old-style managers and that correctional personnel sometimes lack the training needed to make the transition to the direct style of supervision. Others have suggested that managers of direct-supervision jails, especially mid-level managers, could benefit from clearer job descriptions and additional training. In the words of one direct-supervision advocate, “Training becomes particularly critical in direct supervision jails where relationships are more immediate and are more complex.” Finally, those tasked with hiring have recommended psychological screening and intensive use of preemployment interviews to determine the suitability of applicants for corrections officer positions in direct-supervision jails. Learn more about the history of direct-supervision jails at Library Extra 13–10 at MyCrimeKit.com.

Jails and the Future

In contrast to more visible issues confronting the justice system—such as the death penalty, gun control, the war on drugs, terrorism, and big-city gangs—jails have received relatively little attention from the media and have generally escaped close public scrutiny. National efforts are under way, however, to improve the quality of jail life. Some changes involve adding crucial programs for inmates. An American Jail Association (AJA) study of drug-treatment programs in jails, for example, found that “a small fraction (perhaps fewer than 10%) of inmates needing drug treatment actually receive these services.”

Jail industries are another growing programmatic area. The best of them serve the community while training inmates in marketable skills. In an exemplary effort to humanize its megajails, for example, the Los Angeles County Sheriff’s Department opened an inmate telephone-answering service. Many callers contact the sheriff’s department daily, requesting information about the county’s 22,000 jail inmates. These requests for information were becoming increasingly difficult to handle due to the growing fiscal constraints facing local government. To handle the huge number of calls effectively without tying up sworn law enforcement personnel, the department began using inmates specially trained to handle incoming calls. Eighty inmates were assigned to the project, with groups of different sizes
covering shifts throughout the day. Each inmate staffer went through a training program to learn proper telephone procedures and how to run computer terminals containing routine data on the department’s inmates. The new system now handles 4,000 telephone inquiries a day. The time needed to answer a call and to begin to provide information has dropped from 30 minutes under the old system to a remarkable 10 seconds today.

Jail “boot camps,” like the one run by the Harris County, Texas, probation department, are also popular. Jail boot camps give offenders who are sentenced to probationary terms a taste of confinement and the rigors of life behind bars. The Harris County Courts Regemented Intensive Probation Program (CRIPP) facility began operation in 1991 and is located in Humble, Texas. Separate CRIPPs are run for about 400 male and 50 female probationers. The most recent comprehensive study of jail boot camps found only ten such jail-based programs in the country, but current numbers are probably higher.

Capturing much recent attention are regional jails—that is, jails that are built and run using the combined resources of a variety of local jurisdictions. Regional jails have begun to replace smaller and often antiquated local jails in at least a few locations. One example of a regional jail is the Western Tidewater Regional Jail, serving the cities of Suffolk and Franklin and the county of Isle of Wright in Virginia. Regional jails, which are just beginning to come into their own, may develop quickly in Virginia, where the state, recognizing the economies of consolidation, offers to reimburse localities up to 50% of the cost of building regional jails.

One final element in the unfolding saga of jail development should be mentioned: the emergence of state jail standards. Thirty-two states have set standards for municipal and county jails. In 25 states, those standards are mandatory. The purpose of jail standards is to identify basic minimum conditions necessary for inmate health and safety. On the national level, the Commission on Accreditation for Corrections, operated jointly by the American Correctional Association and the federal government, has developed its own set of jail standards, as has the National Sheriff’s Association. Both sets of standards are designed to ensure a minimal level of comfort and safety in local lockups. Increased standards, though, are costly. Local jurisdictions, already hard-pressed to meet other budgetary demands, will probably be slow to upgrade their jails to meet such external guidelines unless forced to do so. In a study of 61 jails that was designed to test compliance with the National Sheriff’s Association guidelines, Ken Kerle discovered that in many standards areas—especially those of tool control, armory planning, community resources, release preparation, and riot planning—the majority of jails were badly out of compliance. Lack of a written plan was the most commonly cited reason for failing to meet the standards. Learn more about jails by visiting the American Jail Association via Web Extra 13–6 at MyCrimeKit.com.

PRIVATE PRISONS

State-run prison systems have always contracted with private industries for food, psychological testing, training, and recreational and other services, and it is estimated that more than three dozen states today rely on private businesses to serve a variety of correctional needs. It follows, then, that states have now turned to private industry for the provision of prison space. The privatization movement, which began in the early 1980s, was slow to catch on, but it has since grown at a rapid pace. In 1986, only 2,620 prisoners could be found in privately run confinement facilities. But by 2008, privately operated correctional facilities serving as prisons and jails held over 125,970 state and federal prisoners across 32 states and the District of Columbia. Private prisons held 6.8% of all state prisoners and 15.7% of federal prisoners at the start of 2008. One source says that the growth rate of the private prison industry has been around 35% annually—comparable to the highest growth rates anywhere in the corporate sector.

Privately run prisons are operated by Cornell Corrections, Corrections Corporation of America (CCA), Correctional Services Corporation (CSC), Wackenhut Corrections Corporation, and numerous other smaller companies. Most states that use private firms to supplement their prison resources contract with such companies to provide a full range of custodial and other correctional services. State corrections administrators use private companies to reduce overcrowding, lower operating expenses, and avoid lawsuits targeted

Web Extra 13–6

Review: Goals of Corrections (Corrections)
Review: Prison Employees (Corrections)

privatization
The movement toward the wider use of private prisons.

private prison
A correctional institution operated by a private firm on behalf of a local or state government.
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American Jail Association Code of Ethics for Jail Officers

As an officer employed in a detention/correctional capacity, I swear (or affirm) to be a good citizen and a credit to my community, state, and nation at all times. I will abstain from all questionable behavior which might bring disrepute to the agency for which I work, my family, my community, and my associates. My lifestyle will be above and beyond reproach and I will constantly strive to set an example of a professional who performs his/her duties according to the laws of our country, state, and community and the policies, procedures, written and verbal orders, and regulations of the agency for which I work.

On the job I promise to:

Keep
The institution secure so as to safeguard my community and the lives of the staff, inmates, and visitors on the premises.

Work
With each individual firmly and fairly without regard to rank, status, or condition.

Maintain
A positive demeanor when confronted with stressful situations of scorn, ridicule, danger, and/or chaos.

Report
Either in writing or by word of mouth to the proper authorities those things which should be reported, and keep silent about matters which are to remain confidential according to the laws and rules of the agency and government.

Manage
And supervise the inmates in an evenhanded and courteous manner.

Refrain
At all times from becoming personally involved in the lives of the inmates and their families.

Treat
All visitors to the jail with politeness and respect and do my utmost to ensure that they observe the jail regulations.

Take
Advantage of all education and training opportunities designed to assist me to become a more competent officer.

Communicate
With people in or outside of the jail, whether by phone, written word, or word of mouth, in such a way so as not to reflect in a negative manner upon my agency.

Contribute
To a jail environment which will keep the inmate involved in activities designed to improve his/her attitude and character.

Support
All activities of a professional nature through membership and participation that will continue to elevate the status of those who operate our nation’s jails.

Do my best through word and deed to present an image to the public at large of a jail professional, committed to progress for an improved and enlightened criminal justice system.

THINKING ABOUT ETHICS

1. Why does this code of ethics require jail officers to “take advantage of all education and training opportunities designed to assist [them] to become a more competent officer”? What does education have to do with ethics?

2. Are there any elements that you might add to this code? Are there any that you might delete?


at state officials and employees. But some studies have shown that private prisons may not bring the kinds of cost savings that had been anticipated. A 1996 study by the U.S. General Accounting Office, for example, found “neither cost savings nor substantial differences in the quality of services” between private and publicly run prisons. Similar findings emerged in a 2001 report by the Bureau of Justice Assistance. That report, entitled Emerging Issues on Privatized Prisons, found that “private prisons offer only modest cost savings, which are basically a result of moderate reductions in staffing patterns, fringe benefits, and other labor-related costs.”

Many hurdles remain before the privatization movement can effectively provide large-scale custodial supervision. Among the most significant barriers to privatization are old state laws that prohibit private involvement in correctional management. Other practical
hurdles exist as well. States that do contract with private firms may face the specter of strikes by corrections officers who do not come under state laws restricting the ability of public employees to strike. Moreover, since responsibility for the protection of inmate rights still lies with the state, their liability will not transfer to private corrections. In today’s legal climate, it is unclear whether a state can shield itself or its employees through private prison contracting, but it appears that the courts are unlikely to recognize such shielding. To limit their own liability, states will probably have to oversee private operations as well as set standards for training and custody. In 1997, in the case of *Richardson v. McKnight*, the U.S. Supreme Court made it clear that corrections officers employed by a private firm are not entitled to qualified immunity from suits by prisoners charging a violation of Section 1983 of Title 42 of the U.S. Code. (See Chapter 8 for more information on Section 1983 lawsuits.) In 2001, however, in the case of *Correctional Services Corporation v. Malesko*, the Court found that private corporations acting under color of federal law cannot be held responsible in a *Bivens* action because the purpose of *Bivens* (which was discussed in Chapter 8) “is to deter individual federal officers from committing Constitutional violations.”

Perhaps the most serious legal issues confront states that contract to hold inmates outside of their own jurisdiction. In 1996, for example, two inmates escaped from a 240-man sex-offender unit run by Corrections Corporation of America under contract with the state

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**cj today exhibit**

**Arguments for and against the Privatization of Prisons**

**REASONS TO PRIVATIZE**

1. Private operators can provide construction financing options that allow the government to pay only for capacity as needed in lieu of assuming long-term debt.
2. Private companies offer state-of-the-art correctional facility designs that are efficient to operate and that are based on cost–benefit considerations.
3. Private operators typically design and construct a new correctional facility in half the time it takes to build a comparable government project.
4. Private companies provide government with the convenience and accountability of one entity for all compliance issues.
5. Private companies can mobilize rapidly and specialize in unique facility missions.
6. Private companies provide economic development opportunities by hiring and purchasing locally.
7. Government can reduce or share its liability exposure by contracting with private corrections companies.
8. Government can retain flexibility by limiting the contract’s duration and by specifying the facility’s mission.
9. The addition of alternative service providers injects competition among both public and private organizations.

**REASONS NOT TO PRIVATIZE**

1. There are certain responsibilities that only the government should meet, such as public safety. The government has legal, political, and moral obligations to provide incarceration. Constitutional issues underlie both public and private corrections and involve deprivation of liberty, discipline, and preservation of the rights of inmates. Related issues include use of force, equitable hiring practices, and segregation.
2. Few private companies are available from which to choose.
3. Private operators may be inexperienced with key corrections issues.
4. A private operator may become a monopoly through political ingratiation, favoritism, and so on.
5. Government may, over time, lose the capability to perform the corrections function.
6. The profit motive will inhibit the proper performance of corrections duties. Private companies have financial incentives to cut corners.
7. The procurement process is slow, inefficient, and open to risks.
8. Creating a good, clear contract is a daunting task.
9. The lack of enforcement remedies in contracts leaves only termination or lawsuits as recourse.

of Oregon. Problems immediately arose because the CCA unit was located near Houston, Texas—not in Oregon, where the men had originally been sentenced to confinement. Following the escape, Texas officials were unsure whether they even had arrest power over the former prisoners, since their escape was not a crime in Texas. While prison escape is a crime under Texas law, the law only applies to state-run facilities, not to private facilities where correctional personnel are not employed by the state or empowered in any official capacity by state law. Harris County (Texas) Prosecutor John Holmes explained the situation this way: "They have not committed the offense of escape under Texas law . . . and the only reason at all that they’re subject to being arrested and were arrested was because during their leaving the facility, they assaulted a guard and took his motor vehicle. That we can charge them with and have."¹⁸⁰

Opponents of the movement toward privatization cite these and many other issues. They claim that, aside from legal concerns, cost reductions via the use of private facilities can only be achieved by lowering standards. They fear a return to the inhumane conditions of early jails, as private firms seek to turn prisons into profit-making operations. For states that do choose to contract with private firms, the National Institute of Justice (NIJ) recommends a “regular and systematic sampling” of former inmates to appraise prison conditions, as well as annual on-site inspections of each privately run institution. State personnel serving as monitors should be stationed in large facilities, says NIJ, and a “meticulous review” of all services should be conducted before the contract renewal date.¹⁸¹ You can learn more about prison privatization at Library Extras 13–11 and 13–12 and via Web Extra 13–7 at MyCrimeKit.com.

Review: Private Prisons (Corrections)

Library Extra 13–11
Library Extra 13–12
Web Extra 13–7

summary

- Before the development of prisons in the late eighteenth and early nineteenth centuries, early criminal punishments were frequently cruel and torturous. Flogging, mutilation, branding, and public humiliation were some of the physical punishments imposed on offenders before the development of prisons.
- In an important historical development, around the year 1800, imprisonment as punishment replaced the notion of imprisonment for punishment. The state of today’s prisons is largely the result of historical efforts to humanize the treatment of offenders, coupled with recent attempts to have the prison experience reflect prevailing social attitudes toward crime and punishment. Early workhouses, which flourished in Europe a few hundred years ago and housed the noncriminal poor and destitute, provided a model for efforts to institutionalize those
Prisons and Jails

CHAPTER 13

whom society perceived as burdensome. Imprisonment in the United States began with the penitentiary philosophy of the Pennsylvania Quakers, who believed that solitary confinement and meditation on one’s transgressions could lead to reformation. Soon, however, the mass prison philosophy, represented by prisons like Auburn Prison in New York, won the day, and the contemporary system of imprisonment—in which relatively large numbers of people are confined together and often allowed to interact closely—emerged.

- Prisons today are largely classified according to security level, such as maximum, medium, and minimum security. Most contemporary American correctional facilities are medium or minimum security. Although the goals of recidivism and deterrence are still important in the minds of corrections administrators, today’s prisons tend to warehouse inmates awaiting release. Public disappointment with high rates of recidivism has produced a prison system today that is focused on the concept of just deserts and that is only beginning to emerge from the strong influence of the nothing-works doctrine discussed in this chapter. Overcrowded facilities are still the norm in many jurisdictions, although a prison building boom over the last decade has alleviated some of the extremely overcrowded conditions that had previously existed.

- In contrast to prisons, which are long-time confinement facilities designed to hold those who have been sentenced to serve time for committing crime, jails are short-term confinement facilities whose traditional purpose has been to hold those awaiting trial or sentencing. Inmates who have been tried and sentenced may also be held at jails until their transfer to a prison facility, and today’s jails sometimes hold inmates serving short sentences of confinement. Recently, the emergence of direct-supervision jails, in which traditional barriers between inmates and staff have been mostly eliminated, seems to have reduced the incidence of jail violence and can be credited with improving the conditions of jailed inmates in jurisdictions where such facilities operate.

- Privately run correctional facilities, or private prisons, have grown in number over the past few decades as the movement toward the privatization of correctional facilities has gained steam. Private prisons, operated by for-profit corporations, hold inmates on behalf of state governments or the federal government and provide for their care and security. A number of questions remain as to the role such facilities will play in the future, including whether they can be cost-effective and whether they can somehow reduce the legal liability of state governments and government employees that is often associated with confinement.

key terms

ADMAX, 473
Ashurst-Sumners Act, 459
Auburn system, 455
classification system, 471
design capacity, 469
direct-supervision jail, 479
industrial prison, 458
jail, 474
justice model, 464
lex talionis, 451
medical model, 461
nothing-works doctrine, 463
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work release, 462

key names

Zebulon Brockway, 457
Sir Walter Crofton, 456

Alexander Maconochie, 456

Robert Martinson, 463

Alexis de Tocqueville, 456
questions for review

1. What types of criminal punishments were used before the advent of imprisonment as a criminal sanction? How have early punishments influenced modern correctional philosophy?
2. Trace the historical development of prisons in the United States, beginning with the Pennsylvania system. How has correctional practice in America changed over time? What changes do you predict for the future?
3. What are today’s prisons like? What purposes do they serve?
4. What role do jails play in American corrections? What are some of the issues that jail administrators currently face?
5. What is the role of private prisons today?

questions for reflection

1. What are the demographics (social characteristics) of today’s prisoners? What gender and racial disparities, if any, exist in today’s prison population?
2. What is the just deserts model of corrections? Explain the pros and cons of this model. How has it led to an increased use of imprisonment and to prison overcrowding?
3. What is the relationship, if any, between changes in the rate of criminal offending and changes in the rate of imprisonment in America during the last decade? What is the reason for that relationship?
4. What will be the state of private prisons two or three decades from now?

Discuss your answers to these questions and other issues on the CJ Today e-mail discussion list (join the list at MyCrimeKit.com).
Go to MyCrimeKit.com to explore the following study tools and resources specific to this chapter:

- Chapter Quiz and More Practice: dozens of multiple-choice and true-false questions
- Flashcards: 25 flashcards to test your knowledge of the chapter’s key terms
- Web Quest: activity about the latest legal issues of concern to corrections professionals
- Assignments: real-world essay questions about current issues, e-homework, opinion-based essay questions, and chapter projects for research and analysis

Go to Chapter 13 of Criminal Justice Interactive to use the following resources and study tools:

- Learning Modules: History of Prisons, History of Women’s Prisons, Prisons and Jails, Prison Employees, and Correctional Systems
- Myths and Issues Videos:
  - Myth versus Reality: The Correctional System Rehabilitates Offenders
- Issue 1: Prison: Public and Private
- Issue 2: The Prison Building Boom and Crime: The Chicken and Egg Syndrome
- Simulation: Prison Operations. Learn the four primary categories of prison staff, their general responsibilities, and the impact that each category of staff has on the successful operation of a prison.

Endnotes for this chapter can be found online at MyCrimeKit.com