Conservatives and liberals generally disagree about how to deal with crime. Conservatives tend to prefer “tough” approaches that impose punishments sufficiently harsh that they might convince people not to engage in crime. Liberals generally prefer social strategies that deal with “underlying problems” that lead to crime.

In the 1970s, however, a consensus emerged about rehabilitation programs in which both liberals and conservatives agreed that rehabilitation, as a correctional philosophy, had failed, and that a new penal philosophy based on “justice” was needed.

This consensus of views set the stage for a long series of penal code reforms. These reforms have helped to produce a period of unprecedented growth in corrections that has lasted more than 30 years. In 1973 the prison incarceration rate was 98 per 100,000 Americans. Every year since then, the number of prisoners has increased, so that by June 2006 the U.S. imprisonment rate had mushroomed to 497 per 100,000. Correctional budgets increased by over 600 percent during that time. Today, over 3,250 offenders are on death row and another 125,000 are serving life sentences. Counting prisons and jails, almost 2.5 million citizens are incarcerated, making the total incarceration rate over 750 per 100,000 citizens.\(^1\)

This growth means that more Americans than ever before have direct experience with the corrections system. Counting all its forms—prisons, jails, probation, parole, and community corrections—we can say that 7 million adults in the United States (almost 1 out of every 15 men and 1 out of every 100 women) are now under some form of correctional control. This represents an astounding 3.1 percent of the adult U.S. population and is about 600 percent higher than in 1973. The U.S. incarceration rate today is higher than that of any other nation in the
Although most people think of corrections as prisons and jails, almost three-quarters of offenders are supervised within the community.

The Bureau of Justice Statistics (BJS) is the major source of criminal justice data; go to http://www.thomsonedu.com/criminaljustice/clear for this website.

world and is six to ten times higher than incarceration rates in European countries. The extensive growth of the correctional population since 1980 is shown in Figure 1.1.

Surprisingly, correctional population growth continued throughout the 1990s, although crime rates fell by more than 50 percent between 1993 and 2005. Some would say it is understandable that when prison populations grow, crime rates decline, because prisons prevent crime. But between 1973, when the prison population first began to grow, and the early 1990s, imprisonment growth was accompanied by increases in crime, and most observers concluded that when there are more people committing crime, a larger number of them end up behind bars. This suggests that as crime declined, so would correctional case-loads. But studies show that aside from the 1970s, there has been little relationship between the nation’s crime rate and the size of its prison population. Since 1990, the swelling prison
population seems to be due entirely to tougher criminal justice policies rather than changes in crime rates.\(^5\)

Nor does it seem that this 33-year pattern is changing. The prison population briefly fell in the second half of 2000—the first drop in the prison population since 1972—but quickly resumed its pattern of growth. In 2006 the total incarceration rate grew by 2.8 percent (62,000 inmates) over 2005, the highest rate of growth since 2000.\(^6\) By any measure, the U.S. corrections system has seen a sustained period of remarkable, steady growth for more than a generation, and this is something that has never happened before in the United States or anywhere else. (See Focus box “The Great Experiment in Social Control,” pp. 6–7.) If these rates continue, almost 7 percent of people born in 2001 will go to prison at some time during their lives.\(^7\)

Yet the glimmer of a newly emerging liberal-conservative consensus has appeared. This new consensus centers on a growing sense that the penal system, especially prisons, have grown too much. Some believe that “mass incarceration” has become a problem in its own right, but concerns about burgeoning probation caseloads and high jail counts have arisen as well. Both liberals and conservatives rightfully worry that the expansion of corrections has affected some groups more than others. About one-third of all African American men in their twenties are under some form of correctional control. In inner-city areas of Detroit, Baltimore,
and Philadelphia, as much as half of this group is under penal supervision. Nearly 12 percent of all African American men 20–40 years old—the age of most fathers—are now locked up. It is estimated that one in six male African Americans have been to prison.8

They also share a concern that the costs of corrections, nearly $70 billion a year, is out of line. Prison budgets—by far the most expensive portion of the overall penal system—continue to grow, even when monies for education and others services lag. But probation caseloads and daily jail populations have also grown, and they cost money. Nonetheless, with growing public concern about the quality of schools and health care, people of all political persuasions are tempted to ask if so much money is needed for corrections. They are especially leery about continuing to invest in what many political leaders, especially conservatives, see as a system that is not as effective as it ought to be.9

Corrections, then, has become a topic for public debate as never before. A generation ago, most people knew very little about corrections. Prisons were alien “big houses,” infused with mystery and operated in remote locations. The average American had no direct knowledge of “the joint” and no way of learning what it was like. Most people did not even know what probation or parole were, much less have an opinion about their worth. About 7.5 million Americans are now in the corrections system. Of today’s men in their thirties, almost one in 28 has been to prison; if current patterns continue, 11 percent of male children born this year (a third of male African Americans born this year) and 2 percent of female children will go to prison.10 Add to these numbers the impact on fathers and mothers, brothers and sisters, aunts and uncles, and husbands and wives, and you have an idea of how pervasive corrections is today—especially for poor Americans and people of color.

Further, crime stories dominate our news media. A decade or so ago, the O. J. Simpson arrest and trial held the nation spellbound. We were similarly fascinated with the prosecution of Timothy McVeigh, who was executed for the terrorist bombing of the Federal Building in Oklahoma City. We followed with fascination the trial of Martha Stewart, and we have made Court-TV one of the most successful cable channels in the television industry. For every such story, innumerable others exist. Read any local newspaper or watch any local nightly newscast and you will encounter a crime story that raises questions about corrections: Should the offender have been released? Is the sentence severe enough? Should laws for this type of crime be tougher? In short, corrections now maintains a profound place, not only in the public eye, but also in the public experience. But are the images we form—images based on media reports and our own experiences—accurate? Do they tell us all we need to know about corrections? (See the Myths box “High U.S. Crime Rates.”)

The coming years will be an exciting period for people interested in corrections. A growing consensus, crossing the political divide, seems to put us on the verge of a new era in correctional policy, characterized by a search for innovative strategies to deal with crimes that are more effective and less costly—financially and socially—than the policies that have dominated the landscape for over 30 years. This is a time when those who study corrections can help shape a new generation of policies and practices. Although the demand for correctional professionals will continue to grow, openness to new ideas will be greater than ever before.
People who study corrections want to learn more about the problems that rivet the public’s attention. They want to see beyond the three-minute news story, to understand what is really happening to people caught in the system. And they suspect that what seems so simple from the viewpoint of a politician arguing for a new law or of a news reporter sharing the latest crime story may in fact be far more complex for the people involved.

Indeed, one theme in this book is that things are not as simple as they look. New laws and policies seldom achieve exactly what they were intended to do, and they often have unintended consequences. In this text we explore the most important issues in penology, from the effectiveness of rehabilitation to the impact of the death penalty, with the knowledge that each has more than one side.

We begin with a seemingly simple question: What is the purpose of corrections? In answering this question, we shall engage a pattern that re-
the strictness of postrelease supervision has also increased, so that more probationers than before are being sent back to prison because of a failure to abide by strictly enforced rules. The triple whammy—less probation, longer prison terms, and stricter post-sentencing supervision—has fueled a continuing increase in correctional populations, especially prison populations, even during times when crime is dropping.

Some scholars have tried to explain the unprecedented punitiveness of the late 20th-century U.S. policy (see “For Further Reading”). They discuss the importance of American politics and culture, and they expressly point to the effects of two decades of the “war on drugs.” Yet why this punitiveness occurred is far less interesting than what its results have been. Over the coming years, researchers, scholars, and intellectuals will begin to try to understand what we have learned from this great experiment.

The effects of the grand experiment in social control fall into three broad areas. First and foremost, there is the question of crime: How has the growth in the corrections system affected rates of crime? Because so many factors affect crime, it is not easy to isolate the effects of a growing corrections system from other effects, such as the economy or times of war. Researchers who have tried to do so reach divergent conclusions, but even the most conservative scholars of the penal system now seem to agree that further growth will have little impact on crime. Others note that the since the crime rate today is about the same as it was in the early 1970s, when the penal system began to grow, the effects of the corrections system on crime have not likely been large.

A second category of effects are social. Here, there is a growing worry that a large corrections system—especially a large prison system—damages families and communities and increases racial inequality. For example, more than 1.5 million children have parents in prison. How does that affect these children’s chances in life? And what does it mean that more than one in four male African Americans end up in prison?

A final category of effects is more abstract: How does a large penal system affect the pursuit of justice? Do people feel more confidence in their justice system? Is it right to have people who break the law end up punished in the way America punishes them? In this great experiment in social control, have we become a more just society?

Questions for Inquiry

1. What is the purpose of corrections?
2. What is the meaning and usefulness of a systems framework?
3. What does the corrections system look like today?
4. What are some of the key issues in corrections?
5. What can we learn from the “great experiment of social control”?
Part 1  THE CORRECTIONAL CONTEXT

The Purpose of Corrections

It is 11:00 A.M. in New York City. For several hours, a five-man crew has been picking up trash in a park in the Bronx. Across town on Rikers Island, the view down a corridor of jail cells shows the prisoners’ hands gesturing through the bars as they converse, play cards, share cigarettes—the hands of people doing time. About a thousand miles to the south, almost four hundred inmates sit in isolated cells on Florida’s death row. In the same state, a woman on probation reports to a community control officer. On her ankle she wears an electronic monitoring device that tells the officer if she leaves her home at night. On the other side of the Gulf of Mexico, sunburned Texas inmates in stained work clothes tend crops. Almost due north in Kansas, an inmate grievance committee in a maximum-security prison reviews complaints of guard harassment. Out in San Francisco, a young man on his way to work checks in with his parole officer and drops off a urine sample at the parole office. All these activities are part of corrections. And all the central actors are offenders.

Punishing people who break society’s rules is an unfortunate but necessary part of social life. From the earliest accounts of humankind, punishment has been used as one means of social control, of compelling people to behave according to the norms and rules of society. Parents chastise their children when they disobey family rules, groups ostracize individuals who deviate from expected group norms, colleges and universities expel students who cheat, and governments impose sanctions on those who break the criminal laws. Of the various ways that societies and their members try to control behavior, criminal punishment is the most formal, for crime is perhaps the most serious type of behavior over which a society must gain control.

In addition to protecting society, corrections helps define the limits of behavior so that everyone in the community understands what is permissible. The 19-century sociologist Emile Durkheim argued that crime is normal and that punishment performs the important function of spotlighting societal rules and values. When a law is broken, citizens express outrage. The deviant thus focuses group feeling. As people unite against the offender, they feel a sense of mutuality or community. Punishing those who violate the law makes people more alert to shared interests and values.
Three basic concepts of Western criminal law—offense, guilt, and punishment—define the purpose and procedures of criminal justice. In the United States, Congress and state legislatures define what conduct is considered criminal.

The police, prosecutors, and courts determine the guilt of a person charged with a criminal offense. The postconviction process then focuses on what should be done with the guilty person.

The central purpose of corrections is to carry out the criminal sentence. The term corrections usually refers to any action applied to offenders after they have been convicted and implies that the action is “corrective,” or meant to change offenders according to society’s needs. Corrections also includes actions applied to people who have been accused—but not yet convicted—of criminal offenses. Such people are often under supervision, waiting for action on their cases—sitting in jail, undergoing drug or alcohol treatment, or living in the community on bail.

When most Americans think of corrections, they think of prisons and jails. This belief is strengthened by legislators and the media, which focus much attention on incarceration and little on community corrections. As Figure 1.2 shows, however, almost three-quarters of all people under correctional supervision are living in the community on probation or parole.

Corrections thus encompasses all of society’s legal responses to some prohibited behavior: the variety of programs, services, facilities, and organizations responsible for managing people accused or convicted of criminal offenses. When criminal justice researchers, officials, and practitioners speak of corrections, they may be referring to any number of programs, processes, and agencies. Correctional activities are performed by public and private organizations; involve federal, state, and local governments; and occur in a variety of community and closed settings. We can speak of corrections as a department of the government, a subfield of the academic discipline of criminal justice, an approach to the treatment of offenders, and a part of the criminal justice system.

Corrections is all these things and more.

A SYSTEMS FRAMEWORK FOR STUDYING CORRECTIONS

Because it reflects social values, corrections is as complex and challenging as the society in which we live today. Corrections is legal intervention to deter, to rehabilitate, to incapacitate, or simply to punish or achieve retribution.

Students need a framework to sort out the complex, multidimensional nature of corrections. In this book we use the concept of the corrections system as a framework for study. A system is a complex whole consisting of interdependent parts whose operations are directed toward common goals and influenced by the environment in which they function. Interstate highways, for example, make up a transportation system. The various components of criminal justice—police, prosecutors, courts, corrections—also function as a system.

GOALS

Corrections is a complicated web of disparate processes that, ideally, serve two goals—fair punishment and community protection. These twin goals not only define the purpose of corrections but also serve as criteria by which we evaluate correctional work. Correctional activities make sense when they seem to punish offenders fairly or offer some sense of protection. The thought of an unfair or unsafe correctional practice distresses most people.
When these two functions of punishment and protection do not correspond, corrections faces goal conflict. For example, people may feel that releasing offenders on parole once they have served their sentences is fair, but they may also fear any possible threats the parolees pose to the community. Further, such goal conflicts set up conflicts in the way the system operates.

INTERCONNECTEDNESS

We can view corrections as a series of processes: sentencing, classification, supervision, programming, and revocation, to name but a few. Processes in one part of the corrections system affect, in both large and small ways, processes in the rest of the system.

For example, when a local jail changes its policies on eligibility for work release, this change will affect the probation caseload. When a parole agency implements new drug-screening practices, the increased number of violators uncovered by the new policy will affect jails and prisons within the system. When writers fail to check their facts for a presentence investigation report, poorly reasoned correctional assignments may result.

These processes all affect one another because offenders pass through corrections in a kind of assembly line with return loops. After criminals are convicted, a selection process determines which offender goes where, and why. This sifting process is itself uncertain and often hard to understand. Most, but not all, violent offenders are sent to prison. Most, but not all, violators of probation or parole rules receive a second chance. Most, but not all, offenders caught committing crimes while supervised by correctional authorities will receive a greater punishment than will offenders not under supervision. Figure 1.3 shows examples of interconnections among correctional agencies as they deal with offenders who have been given different sentences.

ENVIRONMENT

As they process offenders, correctional agencies must deal with outside forces such as public opinion, fiscal constraints, and the law. Thus sometimes a given correctional agency will take actions that do not seem best suited to achieving fairness or public protection. At times correctional agencies may seem to work at odds with one another or with other aspects of the criminal justice process.

Corrections has a reciprocal relationship with its environment. That is, correctional practices affect the community, and community values and expectations in turn affect corrections. For example, if the prison system provides inadequate drug treatment, offenders return to the community with the same drug problems they had when they were locked up. When citizens then lose confidence in a corrections system, they tend not to spend tax dollars on its programs.

FEEDBACK

Systems learn, grow, and improve according to the feedback they receive about their effectiveness. When a system’s work is well received by its environment, the system organizes itself to continue functioning this way. When feedback is less positive, the system adapts to improve its processes.

Although feedback is crucial for corrections, this system has trouble obtaining useful feedback. When
things go well, the result is the absence of something—no new crimes or no prison riots. Becoming aware of problems that have not occurred but that might have is difficult. In contrast, when corrections fails, everybody knows: The media report new crimes or expose scandals in administration. As a result, corrections systems and their environments tend to overrespond to correctional failure but remain less aware of success.

**COMPLEXITY**

As systems grow and mature, they tend to become more complex. Twenty-five years ago, the “three P’s”—probation, prisons, and parole—dominated correctional practice. Today all kinds of activities come under the heading of corrections, from pretrial drug treatment to electronically monitored home confinement; from work centers, where offenders earn money for restitution, to private, nonprofit residential treatment programs.

**Figure 1.3**

**Interconnectedness of Correctional Agencies in Implementing Sentences**

Note the number and variety of agencies that deal with these two offenders. Would you expect these agencies to cooperate effectively with one another? Why or why not?
The complexity of the corrections system is illustrated by the variety of public and private agencies that compose the corrections system of Philadelphia County, Pennsylvania, as Table 1.1 shows. Note that offenders are supervised by various service agencies operating at different levels of government (state, county, municipal) and in different branches of government (executive, judicial).

### Table 1.1 The Distribution of Correctional Responsibilities in Philadelphia County, Pennsylvania

<table>
<thead>
<tr>
<th>Correctional Function</th>
<th>Level and Branch of Government</th>
<th>Responsible Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Adult Corrections</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pretrial detention</td>
<td>Municipal/executive</td>
<td>Department of Human Services</td>
</tr>
<tr>
<td>Probation supervision</td>
<td>County/courts</td>
<td>Court of Common Pleas</td>
</tr>
<tr>
<td>Halfway houses</td>
<td>Municipal/executive</td>
<td>Department of Human Services</td>
</tr>
<tr>
<td>Houses of corrections</td>
<td>Municipal/executive</td>
<td>Department of Human Services</td>
</tr>
<tr>
<td>County prisons</td>
<td>Municipal/executive</td>
<td>Department of Human Services</td>
</tr>
<tr>
<td>State prisons</td>
<td>State/executive</td>
<td>Department of Corrections</td>
</tr>
<tr>
<td>County parole</td>
<td>County/executive</td>
<td>Court of Common Pleas</td>
</tr>
<tr>
<td>State parole</td>
<td>State/executive</td>
<td>Board of Probation and Parole</td>
</tr>
<tr>
<td><strong>Juvenile Corrections</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Detention</td>
<td>Municipal/executive</td>
<td>Department of Public Welfare</td>
</tr>
<tr>
<td>Probation supervision</td>
<td>County/courts</td>
<td>Court of Common Pleas</td>
</tr>
<tr>
<td>Dependent/neglect</td>
<td>State/executive</td>
<td>Department of Human Services</td>
</tr>
<tr>
<td>Training schools</td>
<td>State/executive</td>
<td>Department of Public Welfare</td>
</tr>
<tr>
<td>Private placements</td>
<td>Private</td>
<td>Man or</td>
</tr>
<tr>
<td>Juvenile aftercare</td>
<td>State/executive</td>
<td>Department of Public Welfare</td>
</tr>
<tr>
<td><strong>Federal Corrections</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Probation/parole</td>
<td>Federal/executive</td>
<td>U.S. courts</td>
</tr>
<tr>
<td>Incarceration</td>
<td>Federal/courts</td>
<td>Bureau of Prisons</td>
</tr>
</tbody>
</table>

Source: Taken from the annual reports of the responsible agencies.

The complexity of the corrections system is illustrated by the variety of public and private agencies that compose the corrections system of Philadelphia County, Pennsylvania, as Table 1.1 shows. Note that offenders are supervised by various service agencies operating at different levels of government (state, county, municipal) and in different branches of government (executive, judicial).

### THE CORRECTIONS SYSTEM TODAY

The American corrections system today employs over seven hundred thousand administrators, psychologists, officers, counselors, social workers, and others. The federal government, the 50 states, over three thousand counties, and uncounted municipalities and public and private organizations administer corrections at an average annual cost of over $60 billion.14

Corrections consists of many subunits, each with its own functions and responsibilities. These subunits—probation offices, halfway houses, prisons, and others—vary in size, goals, clientele, and organizational structure. Some are government agencies; others are private organizations contracted by government to provide specific services to correctional clients. A probation office is organized differently from a halfway house or a prison, yet all three are part of the corrections system and pursue the goals of corrections.

There are, however, important differences among subunits of the same general type. The organization of a five-person probation office working closely with one judge in a rural setting, for example, differs from that of a more bureaucratized 100-person probation office.
in a large metropolitan system. Such organizational variety may help or hinder the system of justice.

**Federalism**, a system of government in which power and responsibility are divided between a national government and state governments, operates in the United States. All levels of government—national, state, county, and municipal—are involved in one or more aspects of the corrections system. The national government operates a full range of correctional organizations to deal with the people convicted of breaking federal laws; likewise, state and local governments provide corrections for people who have broken their laws. However, most criminal justice and correctional activity takes place at the state level. Only about 1 percent of individuals on probation, 10 percent of those on parole, and 11 percent of those in prison are under federal correctional supervision.

Despite the similarity from state to state of behaviors that are labeled criminal, important differences appear among specific definitions of offenses, types and severity of sanctions, and procedures governing the establishment of guilt and treatment of offenders. In addition, many variations in how corrections is formally organized appear at the state and local levels. For example, four state corrections systems—those of California, Florida, New York, and Texas—handle more than one in three state prisoners and also handle about two-fifths of all offenders under correctional control in the United States, yet each of these four states has developed different organizational configurations to provide corrections (see the Focus box “The Big Four in Corrections”).

The extent to which the different levels of government are involved in corrections varies. The scope of the states’ criminal laws is much broader than that of federal criminal laws. As a result, just over 300,000 adults are under federal correctional supervision. There are 110 federal **prisons** and 1,558 state prisons. **Jails** are operated mainly by local governments, but in six states they are integrated with the state prison system.

**FOCUS ON CORRECTIONAL PRACTICE**

**THE BIG FOUR IN CORRECTIONS**

Four states from four different regions in the United States dominate the correctional scene: California, Texas, New York, and Florida. They account for about two-fifths of all offenders under correctional control (see Table 1 on the next page for a breakdown of the key numbers).

**California**

California has the largest prison population in the United States; about one in every eight state prisoners in the United States is incarcerated in the California system. The enormity of the California prison system results largely from the enormity of the state itself, as shown by the fact that California’s imprisonment rate (466 inmates per 100,000 residents) is below the national average (491 per 100,000).

The California adult corrections system is administered by the Adult Authority, which is a part of the state executive branch of government. Juvenile institutions are administered by the Youth Authority. Adult and juvenile probation services are provided by the executive branch at the county level and administered by a chief probation officer. A portion of the county probation costs is subsidized by the state, but these subsidies compose a smaller part of the budget than they did in the 1980s. Local taxes pay for jails and probation services, and funding caps placed on government services have predictably hit these services quite hard. Jails and probation compete with schools and hospitals for scarce funds. One result is that jails are filled to capacity and priority is given to sending prisoners to the state facilities, which are themselves overcrowded (but funded by a different tax base). Probation caseloads have also grown—for example, from 100 per officer a decade ago to over 300 per officer now in Los Angeles County. Californians seem to want to be tough on law violators but not to have to pay for it. The most pressing question in California, especially given the state’s huge budget deficit, is how to reconcile these two concerns.

(continued)
As the new millennium got underway, most experts predicted a big surge in the state’s prison population as a result of landmark three-strikes legislation in 1994 imposing long sentences on felony recidivists. One study estimated that by 2005 all nonmandated state revenues would be needed to finance the correctional budget. Yet the projected impact on the overall prison population seems today to have been much smaller than expected, mostly because prosecutors have been reluctant to charge three-strikes felonies in many of the cases that might fall under the law. In 2000 California’s voters approved overwhelmingly a requirement that most drug offenders be given drug treatment rather than incarceration, and while some studies say that a substantial number of people have been diverted from prison under this new practice, California’s prison population continues to rise despite dropping crime.

Although Governor Arnold Schwarznegger made prison reform a high priority for his administration when he came into office in early 2004, his plans for change have not gone well. Open hostility from the California Correctional Peace Officers Association (CCPOA), the powerful union that represents correctional staff, was followed by a scandal in the correctional health care system that led the courts to get involved in California’s facilities. To deal with chronic overcrowding, Governor Schwarznegger announced plans to rent space from other state prison systems that are below capacity (see New York’s story, following) but legal suits have thus far blocked his plans.

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Florida

Florida is a relative newcomer to this group of four, surpassing Illinois in the total number of people in prison. This development is ominous, because the current age profile of that state represents what the nation as a whole will look like in the year 2010. That is, if Florida is a sign of things to come, corrections in the United States as a whole will continue to grow.

The state of Florida administers all institutional and community-based correctional services regionally, and regional directors wield considerable autonomy. The five adult regional administrators report to the secretary of the Department of Corrections and manage all institutional and field services. Juvenile corrections is housed within the Department of Health and Rehabilitative Services and operates in 11 districts. Thus Florida unifies corrections under the executive branch, with separate adult and juvenile functions.

In 1984, when Florida enacted guidelines to overcome widespread sentencing disparity, institutional admissions skyrocketed. Alarmed, Florida administrators started the Community Control Project, providing close supervision (often with electronic monitoring) to divert offenders from prison. This program is the largest diversion effort in the nation, taking in about a thousand new offenders per month. Regular probation has also been renamed Community Control, to reflect Florida’s policy that community-based sanctions are not meant as rehabilitation. Florida’s sentencing guidelines eliminated parole release, and so less than 5,000 people are on parole supervision. Further, people who complete their sentences in prison must serve a period under community control supervision.

Although Florida’s prison admissions have been dropping since 1990, prison populations continue to grow because sentences are longer than they were before. Since 1990, the rate of growth in Florida prisoners has almost doubled the national average, even though Florida’s current incarceration rate remains slightly above the national average (499 per 100,000 versus 491 per 100,000). Extensive use of nontraditional programs such as boot camps and electronic monitoring were meant to siphon off some offenders who might otherwise go to prison. While evaluations of the electronic monitoring system have been positive, the boot camp system has come under scrutiny because of reports of widespread abuses and at least one death due to abusive treatment.

New York

The corrections system in New York was for many decades regarded as innovative. The reformatory was a New York invention, as was modern parole. Today, however, people regard New York
as a large, stable, well-administered bureaucracy no longer on the cutting edge.

The Department of Corrections manages adult institutional corrections; the Division of Youth Services manages juvenile institutions and aftercare. Probation is a county function: A single chief probation officer, who is accountable to the county chief executive, administers adult and juvenile services. The state’s Division of Probation carries out a coordinating function for probation. The Division of Parole administers both parole release and supervision. New York operates decentralized correctional services with strong state coordination.

As in almost all states, the New York corrections system was overcrowded for many years. Moreover, it faced an added burden—New York City corrections, with its mammoth correctional facility at Rikers Island. For years, the New York City corrections system put pressure on the state operations, because many New York City prisoners were awaiting assignment to state facilities. In the last few years, however, dropping crime rates in New York City have relaxed the pressure in both city and state corrections systems, as the Rikers Island population began to fall.

In the first half of the 1990s, tightening revenues raised concern among correctional leaders in New York. As one of the first acts as governor, former Governor George Pataki proposed loosening the laws for minor repeat offenders, hoping that it would ease pressure on the corrections system. The legislature is also poised either to repeal or reduce substantially the so-called Rockefeller Drug Laws (passed in the 1970s) that made New York one of the toughest states in the country on drug offenders. A boot camp program has also shortened incarceration for some of the toughest states in the country on drug offenders. A boot camp program has also shortened incarceration for some of the toughest states in the country on drug offenders.

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Texas
In terms of corrections, Texas earns its reputation of “bigness”: A higher rate of Texans are under correctional control than in any other state in the Union, save Georgia. Nearly one in nine of the nation’s probationers live in Texas, which has a correctional control rate two-thirds higher than the national average.

All adult corrections in Texas are housed under the Department of Criminal Justice, which is supervised by a nine-person board appointed by the governor. This department administers corrections through three separate divisions: institutions, parole supervision, and probation. In addition, the parole board reports to the Board of Criminal Justice. The Institutional Division, in addition to managing all state custodial facilities, monitors the local jails. The Texas Youth Commission handles all juvenile institutions and aftercare. Organized on a county basis, adult and juvenile probation are run separately by chief probation officers who are locally appointed by the county judiciary. Standards for both probation functions are established and monitored by state authority. Adult probation is monitored by the Department of Criminal Justice; juvenile probation, by the Juvenile Probation Commission. Because Texas has over two hundred counties, coordinating the work of these commissions is extremely complicated.

Over most of the 1990s, Texas corrections operated under something of a siege mentality. As a result of a series of lawsuits, Texas prisons had a light population cap, forcing the rest of the system to be more cautious in incarcerating offenders. Obviously, decision-making fragmentation made developing a coordinated response to the prison overcrowding problem nearly impossible. A federal judge eventually threatened to fine the state over $500,000 a day if it failed to comply with court-ordered standards. An emergency legislative session was called, and all parts of the system were pressured to develop responses to control prison crowding. A few years later, the state’s systematic response to overcrowding—combined with the nation’s most aggressive prison-building program—resulted in a relaxation of judicial scrutiny of the prison system.

Sentencing reform in the late 1980s doubled the prison population in less than a decade, but this trend abated briefly in 2000, when Texas’s 3.1 percent decline in prisoners was the fifth-largest decline in the country. That drop proved an aberration, and Texas prisons soon began to grow at a rate close to the national average. This means large numbers, since the Texas imprisonment rate of 691 per 100,000 is already the second highest in the nation (after Louisiana).

In the last few years, the Texas corrections system has been under intense scrutiny, because of both how costly it is and a series of scandals, for example, the sexual abuse of people under the juvenile justice authorities. Concern about a burgeoning system that is inexpensive, nearly impossible to run well, and widely seen as ineffective, state leaders have begun to discuss wider use of probation and more-extensive rehabilitation programming as options to improve the prison system.
As noted in Figure 1.4, each level of government bears criminal justice costs, with well over 90 percent of correctional costs falling on state and local governments. In most states, the agencies of community corrections—probation and intermediate sanctions—are run by the county government and are usually part of the judicial branch. However, in some jurisdictions the executive branch runs them, and in several states this part of corrections is run by statewide organizations.

That the United States is a representative democracy complicates corrections. Officials are elected, legislatures determine the objectives of the criminal law system and appropriate the resources to carry out those objectives, and political parties channel public opinion to officeholders on such issues as law and order. Over time the goals of correctional policies have shifted. For example, between 1940 and 1970, corrections was oriented toward liberal rehabilitative policies; since about 1970, conservative, get-tough crime control policies have influenced corrections. Questions of crime and justice are thus inescapably public questions, subject to all the pressures and vagaries of the political process.

Clearly, corrections encompasses a major commitment on the part of U.S. society to deal with people convicted of criminal law violations. The increase in the number of offenders under supervision in the past decade has caused a major expansion of correctional facilities, staff, and budgets; some say that corrections is now a big business.

Spending for corrections has risen more dramatically than for any other state function, jumping a whopping 538 percent between 1982 and 2001. During this period, state legislatures increased operating appropriations for corrections by an average of 10.4 percent annually (excluding construction costs), compared with a 4.1 percent increase for Medicaid and a 5.1 percent increase for higher education. Many states now spend more on corrections than on all public higher education.

Figure 1.4
Distribution of Justice System Expenditures by Level of Government
State and local governments bear the brunt of the costs of correctional activities.
Source: Bureau of Justice Statistics, Bulletin, May 2004

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KEY ISSUES IN CORRECTIONS

Like all other government services, corrections is buffeted by frequently shifting social and political forces that greatly complicate administration. These forces are also part of what make corrections so interesting to study. In this section we describe some of the controversies, issues, and themes that arise in the study of corrections. These are divided into two main areas: managing the correctional organization and working with offenders.

MANAGING THE CORRECTIONAL ORGANIZATION

The ways in which different correctional organizations are managed depend on various factors, including goals, funding, bureaucracy, and interagency coordination.
GOALS • The theory inherent in the term corrections, the assumption that society can “correct” offenders, faces much dispute. For example, some people believe that we cannot ever rehabilitate most offenders, that only social maturation can influence most people to abide by the law. Others argue that the penal system should not be concerned with the future behavior of criminals, that the only appropriate response to wrongdoing is punishment. Yet from the end of World War II until the 1970s, the corrective function was so widely accepted that treatment and reform of offenders were virtually the only issues in criminal justice deemed worthy of serious attention.

Corrections has constantly faced the challenge of deciding which goals to emphasize. Conflict over goals stems precisely from the shifting forces that directly influence corrections. Political ideology, for example, often colors the analysis and development of correctional policy. Liberals believe that corrections should follow one path; conservatives, another. Goals set by conflicting interests do not usually mesh.

In response to conflicting political forces, correctional leaders offer conflicting (or at least divergent) justifications for a given policy in order to maintain an appearance of consensus. A program of private industry employment for prison inmates, for instance, can be commended to liberals as rehabilitative training, to free-enterprise advocates as expansion of the private sector, and to conservatives as a get-tough policy designed to make prisoners pay the costs of their incarceration. Although this tactic helps preserve support for the prison’s industrial operations, it also creates managerial problems for correctional leaders, because when the program is implemented, the goals of treatment, profit, and punishment may well conflict.

Further, correctional leaders who state precise objectives risk alienating various important groups or constituencies. Thus they tend to frame goals as vague generalities, such as “to protect the public” or “to rehabilitate offenders.” The effects of this vagueness extend well beyond public relations; often it is difficult for correctional staff members to make goal-oriented choices, because they are unsure of what the leaders want.

This has led some observers to argue that corrections does not work to achieve an overriding goal, but rather seeks to balance stated and unstated goals so that no single goal is sacrificed.

FUNDING • At all political levels, the corrections system is only one of many services operated by government and paid for by tax revenues. Thus corrections must vie for funding, not only with other criminal justice agencies but also with agencies supporting education, transportation, social welfare, and so on. Per capita spending on all criminal justice activities ranges from less than $100 in West Virginia to more than $400 in Alaska and New York. As Table 1.2 shows, criminal justice in general and corrections in particular consume differing portions of the federal, state, and local budgets.

Understandably, corrections does not always receive the funding it needs; people may want garbage collected regularly more than they want quality correctional work performed. Recall, too, that corrections is largely invisible until a problem occurs, such as when a parolee commits a heinous crime or a prison riot breaks out. An even greater difficulty stems from the perceived undesirability of those corrected; winning larger budgets to help people who have broken the law is not easy.

Conflict among the branches and levels of government also creates problems for corrections. Local governments are often responsible for correctional
Programs for minor offenders; state governments handle longer-term, more-serious offenders. Often the two levels vie for operating funds, and each seeks to avoid responsibility for offenders supervised by the other. Given this fragmentation, correctional services and programs may overlap.

Officials of the executive branch often complain that legislatures enact correctional codes and prescribe operational responsibilities without providing sufficient funds to carry them out. Both branches complain that court rulings set unfair constraints on their ability to handle assigned offenders. In developing and implementing policies, correctional agents must consider not only the sociopolitical environment but also the government setting in which corrections functions.

One result of funding squabbles is that organizational “turf” is often disputed. Most probation offices are attached to the judiciary and funded by county governments. Do they then fall within the domain of corrections, or do they belong to the judiciary? Should the sheriff be in charge of transporting offenders from jail to prison, or should the prison administrators be responsible? To what extent should social service agencies become involved with the needs of correctional clients in a halfway house? Should parole officers or the police be responsible for tracking down offenders who have violated the conditions of their release?

Struggles for resources also occur between corrections and related social service agencies. A department of corrections may vie with a department of mental health for funds to set up a drug rehabilitation program; both departments may view the new resources as a way to expand. Often, correctional departments take such empire-building actions to keep themselves strong and viable.

BUREAUCRACY • Michael Lipsky has provided perhaps the most vivid portrait of the problems facing correctional workers. He coined the term street-level bureaucrats to refer to the following:

Public service workers who interact directly with citizens in the course of their work, including teachers, police officers and other law enforcement personnel, social workers, judges, public lawyers and other court officers, health workers and many other public employees who grant access to government programs and provide services within them.
Lipsky’s provocative generalizations about street-level bureaucrats apply to virtually all individuals who have face-to-face contact with offenders. They work with inadequate resources and face ever-increasing demands. Frequently they find themselves theoretically obligated to provide higher-quality treatment for their clients than they can afford. Thus street-level bureaucrats soon learn that “with any single client they probably could interact flexibly and responsibly. But if they did this with too many clients, their capacity to respond flexibly would disappear.” Probation officers, for example, may feel obliged to find jobs for their probationers. If they took the time to do so, however, they could not provide other services. An officer may genuinely desire to work hard for those probationers who show promise, but not for others. Officers facing these conflicts may become alienated from their clients because they cannot satisfy their clients’ needs—maintaining a working relationship proves too frustrating.

Limited resources force administrators of service bureaucracies to monitor carefully the way workers apply their time and energies. Bureaucracies that process people develop categories for their clients, seeking to use personnel or agency resources in the best way and to succeed with some clients, even though they cannot succeed with them all.

Lipsky concludes that delivering street-level policy through bureaucracy presents an inherent contradiction. One person delivering service to another suggests human interaction, caring, and responsibility. But delivering service through a bureaucracy suggests detached, inflexible treatment based on limited resources. Conflicting, ambiguous goals, combined with difficulties in measuring work performance, may reduce effectiveness and commitment to the work. Thus the bureaucratic model guarantees that services are delivered only up to a point and that goals are never fully achieved.

Is Lipsky’s conclusion too pessimistic or just realistic? Certainly correctional workers and their clients face formidable obstacles. Workers must make daily decisions under conditions of technical uncertainty and sporadic negative feedback; offenders must comply both with legal mandates and with less-explicit parameters established by the needs of the correctional organization. Yet bureaucratic worker–client relationships offer benefits as well. As their time and tasks grow more structured, workers have less discretion and thus less capacity to abuse their positions. Further, limited organizational resources force agencies to clarify their goals and to direct services toward those people who most need staff time. And given the extensive power of correctional agencies, conditions in bureaucracies may restrain abuse of state power.

INTERAGENCY COORDINATION • Managing correctional agencies is further complicated because most corrections systems comprise several loosely related organizations that are themselves bureaucracies. Thus decision making is dispersed, and no one person can implement the full range of correctional practices. For example, the sheriff who runs the jail and the probation officer who runs the pretrial release program are both affected by jail crowding and delays in sentencing hearings. Even so, they may resist working together, because each is busily protecting an area of managerial control. Furthermore, line workers in corrections, those in direct contact with offenders, seldom influence organizational policies, even though they must implement those policies daily. Corrections itself cannot determine the type and number of its clients. Others in the criminal justice system, primarily judges, do that, and correctional officials cannot halt or regulate the flow. Thus the efforts of correctional workers are sometimes sporadic, uncoordinated, or inconsistent merely because various bureaucracies are loosely interconnected.

Within the corrections system a great deal of policy is formally interconnected. In some states as many as half or more of all inmates are in prison because they have violated a requirement of probation or parole; in other states, these rule violators are less frequently sent to prison. In other words, the enforcement policies of the supervising agencies largely determine prison intake. Yet in most systems prison authorities have little control over policies for enforcing probation rules. Similarly, the number of people on probation and the length of their probation terms determine a probation officer’s
caseload: Even though officers have a finite amount of time for supervision, they generally have little or no control over their caseloads. As offenders flow through the system—from probation to revocation to prison to work release to parole—one agency determines the workload of the next.

These informal interconnections create an uneasy tension. Agency directors understandably may take steps to protect their piece of the system from encroachment by the rest of it. Each corrections unit commonly insulates itself from the pressures faced by the other units, because the others often produce unwanted caseload increases; for example, crowded jail conditions may encourage judges to put more offenders on probation.

That very isolation makes it more likely that the other units will run into problems resulting from a lack of cooperation, and these problems will haunt all the units when the corrections system as a whole is criticized. (See the Focus box “Correctional Interconnectedness in Alabama.”)

FOCUS ON CORRECTIONAL PRACTICE

CORRECTIONAL INTERCONNECTEDNESS IN ALABAMA

Here is a description of the ways a crisis in one correctional agency can affect other agencies:

Alabama’s prisons are full, and the county jails are so crowded that dozens of inmates have been left to sleep on tables and floors. It’s a decades-old situation that reached a crisis point in 2000, when a state with one of the nation’s highest incarceration rates finally had to expand its prison system to accommodate a crushing growth in prisoners. Today, with more than 27,000 people incarcerated in Alabama, or 591 per 100,000 residents (only five states have higher rates), Alabama is a case study in correctional crisis.

Under a consent arrangement in the year 2000, the state prison system agreed to accept inmates who had been in county jails more than 30 days after being sentenced to a state prison term. But backlogs soon built up and by 2001, about 2,000 state prisoners had been in county jails longer than 30 days. Soon after that, two sheriffs armed with their own court orders rounded up more than 200 state prisoners from county jails and dropped them off at state lockups.

“They’re somebody else’s problem now,” Sheriff Jim Woodward said. In Morgan County, a federal judge ordered 104 state inmates moved from the jail, where he said conditions were so cramped it resembled a “slave ship.” In Houston County, where the 200-bed jail had 300 prisoners, a judge had threatened to leave state inmates handcuffed to a prison fence if the state didn’t take them. The crisis came when a judge ordered a halt to the mass transfer of prisoners to state prisons that are already full themselves.

“This is not a situation where counties, quite frankly, should be doing what they’re doing today,” then Governor Don Siegelman said at the time. “They should look for alternatives and not simply wash their hands of the situation.” His successor, Governor Robert Riley, faced the crisis head on. In 2004, a year when many Alabama state agencies had to deal with budget cuts of 10–20 percent, corrections got a whopping 6.9 percent increase in its budget to pay for additional staff and facilities to reduce the crowding problem and bring medical facilities in line with court requirements.

Alabama’s current prison crisis is reminiscent of problems in the early 1980s when a federal judge, with the approval of then-Governor Fob James, ordered the mass release of nonviolent offenders because of prison overcrowding. A decade earlier, a judge described Alabama’s prison system as “barbaric” and ruled that state inmates have a constitutional right to adequate living conditions.

But the state still relies heavily on county jails to house its inmates, paying them $1.75 per inmate for food even though officials say it costs counties about $30 a day to house each prisoner. This is especially expensive, since three-quarters of those entering the Alabama prison system are serving sentences for either drug crimes or property crimes, not violence.

“State prisons are full, county jails are full, and the probation officers are loaded up with cases,” said Allen Tapley, the executive director of the Sentencing Institute, a private research group. Correctional experts and prison officials say the solution includes more community corrections programs, drug courts, and parole for inmates with convictions for nonviolent offenses. But those are a tough sell in a political environment that favors jail time for even nonviolent crimes.

"People work" is central to corrections because the raw material of the system consists of people—staff and offenders. In working with offenders, correctional staff must deal with differences in professional status, work with uncertain technologies, engage in exchange relationships with offenders, and follow uncertain correctional strategies.

**PROFESSIONAL VERSUS NONPROFESSIONAL STAFF** • The term *staff* refers to probation officers, correctional officers, counselors, and others responsible for the daily management and supervision of offenders. The correctional staff includes both professional and nonprofessional employees. For example, psychologists, counselors, and administrators usually hold at least one college degree. They view themselves as members of various professions, with all the rights that adhere to such callings. They believe they should be able to work without supervision and to make decisions without always consulting rulebooks or guidelines. These professional employees work closely with nonprofessional staff, such as jail or prison correctional officers. The nonprofessional staff frequently have only a high school education, and they function under close, often paramilitary (military-style) supervision and enforce rules with physical means when necessary. The different perspectives of these two groups and the ways they communicate with each other have caused problems—for example, conflicts over the best ways to deal with offenders and distrust of each other's motives and expertise—in some types of correctional organizations.

**UNCERTAIN TECHNOLOGIES** • The term *technology* refers to methods of applying scientific knowledge to practical purposes in a particular field. Correctional technologies are not as sophisticated as those of, say, engineering, but their subjects—human beings—are far more complex. Methods of dealing effectively with offenders remain highly uncertain. Although knowledge of human behavior has developed during the past century, the validity of the various approaches for treating offenders—such as group therapy, behavior modification, and anger management—remains in doubt.

Thus corrections is expected to implement programs of questionable value. Correctional organizations face a serious problem: Not all released prisoners adjust successfully to free society; not all mental health referrals of offenders result in emotional adjustment; not all probationers prove trustworthy. Correctional decisions are prone to error. In fact, correctional organizations may approach the technical problem of human ignorance about humans by seeking to reduce types of error rather than to eliminate error altogether.

Further, any organization develops routines just to keep it operating. Like most people, workers in correctional organizations want regular and predictable responsibilities. They do not want to venture into uncharted seas where they may make an uninformed decision and then be penalized for it. Uncertainty declines when people reduce operations to routines—patterns that repeat and thus become familiar. Recognizing these routines is essential for understanding corrections.

**EXCHANGE** • A key facet of corrections is the degree of interdependence between staff and offenders.
The unarmed, outnumbered correctional officer assigned to a prison or jail has surprisingly little raw power with which to exact cooperative behavior. Similarly a probation officer can do little with a probationer who resists the officer’s influence. Meanwhile the prisoner depends on the work of the correctional officer, and the parolee often feels powerless under supervision. Thus staff and offenders are interdependent: To achieve personal goals, each depends on the other. The officer needs the offender’s cooperation to convince superiors that the officer is performing properly; the offender needs the officer’s recommendation for favorable termination of parole.

The interdependence of people involved in corrections makes the concept of exchange important to understanding their daily world. Exchange occurs when two parties trade promises or concessions that make each person’s work easier or more predictable. A probationer, for example, cooperates by reporting regularly and attending an alcohol treatment program; in return, the officer is more likely to overlook incidental, minor violations of probation. Each party’s situation is made easier by the voluntary decisions of the other.

Because exchange relations between staff and offenders are very important, they often are subject to informal enforcement. For instance, a rowdy inmate is removed from his cell and placed in solitary until he “settles down” and recognizes officials’ authority. A juvenile on probation is arrested and “detained” (locked up) for the weekend while awaiting a hearing on her truancy from school, even though officials have no intention of revoking her probationary status. Conversely, a guard who is hostile or condescending to inmates finds it takes much longer to return prisoners to their cells for the morning count or to quiet down noisy prisoners. Subtle and not-so-subtle pressures unceasingly reinforce the need for keepers and the kept to stay aware of each other’s needs.

In sum, correctional transactions almost uniformly involve some aspect of worker–offender contact and interaction. Because staff members and offenders depend on each other to achieve their goals, each person can influence evaluations made by the other. This process must be managed through screening and processing routines, staff training and evaluation programs, and so forth. (See the Focus box “Is the Great Experiment in Social Control Coming to an End?”)

UNCERTAINTY IN CORRECTIONAL STRATEGIES • Throughout the chapters to come, we will explore an important theme: that correctional workers and managers cannot predict with certainty what effect their choices will have on the system. How does the correctional official organize staff, choose programs, and manage offenders when the consequences of such actions are so ambiguous? Given this uncertainty, organizational theorists say that the correctional environment is unstable and that, as a result, one of management’s major concerns is avoiding negative feedback from the community—the courts, political leaders, the public, and so forth.

Because the effectiveness of correctional strategies that deal directly with offenders is so uncertain, organizations often place greater emphasis on secondary technologies in which they have more confidence—the design of a prison’s security apparatus, a computer-based offender-tracking system for probation, and so on. But the core work of corrections concerns the interactions of people—staff and offenders—which will always remain hard to predict and control, no matter what the technology.

There are two points of interest here. First, offenders obviously are handled in a variety of ways. Who determines what happens to offenders, and how they make this determination, is a key issue in this book. Second, and even more central, corrections gets its “business” from not only the courts but also itself. Policies and practices determine how strictly the rules will be enforced, how dire the consequences will be when they are broken, and how much latitude staff will have in assigning offenders to programs.
Chapter 1  THE CORRECTIONS SYSTEM

Connecting Corrections and Social Relations

All these problems combine to make the field of corrections controversial and therefore engrossing for those who study it. Yet, as compelling as these problems may be, they offer only a sidelight to the central appeal of the field of corrections. The questions that corrections raises concerning social control are fundamental to defining society and its values. Seemingly every aspect of the field raises questions that concern deeply held values about social relations. For example, what kinds of services and treatment facilities should inmates infected with HIV/AIDS receive? Should corrections be more concerned with punishing offenders for crimes or with providing programs to help them overcome the problems in their lives that contribute to crime? Is placing surveillance devices in people’s homes a good idea or an invasion of privacy? Questions of interest to researchers, students, and citizens hardly end here. Crucial public and private controversies lurk at every turn. In your own studies and throughout your life, you will find you cannot answer the questions inherent in these controversies without referring to your own values and those of society.

People who undertake careers in corrections often do so because they find the field an excellent place to express their most cherished values. Probation and parole officers frequently report that their original decision to work in these jobs stemmed from their...
desire to help people. Correctional officers often report that the aspect of their work they like best is working with people who are in trouble and who want to improve their lives. Administrators report that they value the challenge of building effective policies and helping staff perform their jobs better. The field of corrections, then, helps all these individuals to be fully involved with public service and social life. Corrections is interesting to them in part because it deals with a core conflict of values in our society—freedom versus social control—and it does so in ways that require people to work together.

**SUMMARY**

- Corrections consists of many programs, services, facilities, and organizations responsible for managing people accused or convicted of crimes.
- Corrections is complex because it encompasses broad responsibilities related to the formal responses of society to prohibited behavior.
- The concept of the system provides a framework or comprehensive theme for studying corrections. Understanding corrections therefore means studying its goals, interconnectedness, environment, feedback, and complexity.
- The corrections system is composed of both large and small organizations administered by various levels of government and the private sector.
- The staff of correctional organizations are in contact with one another and exercise direct authority over offenders. In this context they strive to achieve the organizations' complex goals.
- Many correctional workers, like others in the fields of human service, are street-level bureaucrats. That is, they interact with citizens and are in a position to grant access to government programs and to furnish services within those programs.
- Correctional officials are theoretically obligated to provide high-quality services, but they often cannot because such quality services cost too much. Officials must therefore devise strategies to work with limited resources.
- “People work” is central to corrections. Staff must work closely with offenders, using uncertain technologies, engaging in exchange relationships, and following uncertain strategies.
- Despite the many problems the system faces, corrections is concerned with basic social values.

**KEY TERMS**

- corrections (8)
- exchange (22)
- federalism (13)
- jail (13)
- prison (13)
- social control (8)
- street-level bureaucrats (18)
- system (9)
- technology (21)

**FOR DISCUSSION**

1. Contrast the role of crime with the role of politics in the growth of corrections. Why is this contrast important?
2. What do you see as some of the advantages and disadvantages of the systems concept of corrections?
3. Corrections is a system in which technologies of uncertain validity are used. What are some of the dangers of using these technologies? What safeguards, if any, should be applied?
4. Assume that the legislature has stipulated that rehabilitation should be the goal of corrections in your state. How might people working in the system displace this goal?
5. What does Lipsky mean by the term street-level bureaucrat? Give some examples of how street-level bureaucrats act.
6. Suppose you are the commissioner of corrections for your state. Which correctional activities might come within your domain? Which most likely would not?

**AMERICAN CORRECTIONS BOOK COMPANION WEBSITE**

Go to the American Corrections 8e Book Companion Website: http://www.thomsonedu.com/criminaljustice/clear for quick, easy access to all of the free and exciting resources available with this text, including the web links found in the text’s margins, chapter reviews, additional quizzing, Internet activities, flash cards, review games, and more.
FOR FURTHER READING


NOTES

8. Ibid.
9. See the special issue of Policy Today 4 (no. 3, March 2007).
17. Ibid., 37–38, 81; quote is from p. 99.
A HUSH FELL OVER the French courtroom on March 2, 1757, as the chief judge rose to read the sentence on Robert-François Damiens, convicted of trying to assassinate King Louis XV:

He is to be taken and conveyed in a cart, wearing nothing but a shift, holding a torch of burning wax weighing two pounds; in the said cart to the Place de Greve, where on a scaffold that will be erected there, the flesh will be torn from his breasts, arms, thighs and calves with red-hot pinchers, his right hand, holding the knife with which he committed the said parricide, burnt with sulphur, and, on those places where the flesh will be torn away, poured molten lead, boiling oil, burning resin, wax and sulphur melted together and then his body drawn and quartered by four horses and his limbs and body consumed by fire, reduced to ashes and his ashes thrown to the winds.¹

Newspapers recorded that Damiens’s death was even more horrible than the sentence required. Because the horses were not able to pull him “limb from limb,” the executioners resorted to hacking off Damiens’s arms and legs. All this occurred while the man was still alive.

What was the point of this punishment? What did the state hope to achieve through this atrocity? Why does this execution seem so horrible to us today? After all, public corporal punishment was the norm for thousands of years, and people pursued it with gusto.

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Until the 1800s, punishments were public spectacles throughout Europe and America. Crowds taunted the condemned as the executioner or sheriff conducted whippings, burnings, pilloryings, and hangings on orders of the king or court. Punishment-as-spectacle was used to control crime and to exhibit the sovereign’s power. Yet only a few decades after Damiens’s 1757
execution, a major change took place in Europe and the United States. Efforts were being made to devise a rational, reformative model of criminal sanctions focused on the mind and soul, not the body. With the development of the penitentiary in the 1830s as a place where offenders could reflect on their misdeeds, repent, and prepare for life as crime-free citizens, torture as a public spectacle disappeared. By the 1900s punishments were carried out within prisons or in the community under the supervision of correctional staff who saw themselves not as instruments of suffering but as social workers, managers, and technicians of reform.

Like other social institutions, corrections reflects the vision and concerns of the larger community. For example, in their post–Revolutionary War idealism, Americans strongly believed crime could be eliminated from this rich new nation if offenders were isolated from bad

The brutality of the execution of Robert-Francois Damiens, convicted of attempting to assassinate King Louis XV of France, raises questions about the purpose of this type of punishment.
influences and encouraged to repent. Similarly, in the early 1900s, inspired by a new faith in the behavioral sciences, penology veered sharply toward a psychological approach to offender rehabilitation. Later, though, as crime rose in the late 1960s, public opinion demanded another shift in correctional policy, toward greater emphasis on crime control.

In this chapter we examine the broad European antecedents to American correctional thought and practice. In Chapter 3, this historical overview continues through an examination of corrections in the United States from colonial times to the present. Later in the book the history of such specific correctional practices as prison industry, probation, and parole is discussed in greater detail. Let us begin here by examining the correctional practices of earlier times.

Questions for Inquiry

1. What were the major forms of punishment from the Middle Ages to the American Revolution?
2. What was the Age of Reason, and how did it affect corrections?
3. What was the contribution of Cesare Beccaria and the classical school?
4. What was the contribution of Jeremy Bentham and the utilitarians?
5. How did the work of John Howard influence correctional reform?

FROM THE MIDDLE AGES TO THE AMERICAN REVOLUTION

The earliest-known comprehensive statements of prohibited behavior appear in the Sumerian Law of Mesopotamia (3100 B.C.E.) and the Code of Hammurabi, developed by the king of Babylon in 1750 B.C.E. These written codes were divided into sections to cover different types of offenses and contained descriptions of the punishments to be imposed on offenders. Another important ancestor of Western law is the Draconian Code, promulgated in classical Greece in the seventh century B.C.E. This code was the first to erase the distinction between citizens and slaves before the law. Attributed to Drakon, the code described legal procedures and also the forms of punishment that could be inflicted: “stoning to death; throwing the offender from a cliff; binding him to a stake so that he suffered a slow death and public abuse while dying; or the formal dedication of the offender to the gods.” Lesser punishments might be the forbidden burial of offenders and the destruction of their houses.

In Rome the law of the Twelve Tables (450 B.C.E.) and the code compiled by Emperor Justinian in 534 C.E. helped lay the groundwork of European law. As in Greece and other ancient societies such as Egypt and Israel, Roman lawbreakers were made into slaves, exiled, killed, imprisoned, and physically brutalized. In most of Europe, forms of legal sanctions that are familiar today did not appear until the beginning of the Middle Ages, in the 1200s. Before that time, Europeans viewed responses to crime as a private affair, with vengeance a duty to be carried out by the person wronged or by a family member. Wrongs were avenged in accordance with the *lex talionis*, or law of retaliation. This principle underlay the laws of Anglo-Saxon society until the time of the Norman conquest of England in 1066. During the Middle Ages the *secular law* of

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**lex talionis**
Law of retaliation; the principle that punishment should correspond in degree and kind to the offense ("an eye for an eye and a tooth for a tooth").

**secular law**
The law of the civil society as distinguished from church law.
Chapter 2 • THE EARLY HISTORY OF CORRECTIONAL THOUGHT AND PRACTICE

England and Europe was organized according to the feudal system. In the absence of a strong central government, crimes among neighbors took on the character of war, and the public peace was endangered as feudal lords sought to avenge one another’s transgressions. In response, in England by the year 1200 a system of *wergild*, or payment of money as compensation for a wrong, had developed as a way of reducing the frequency of violent blood feuds. During this period the custom of treating offenses as personal matters to be settled by individuals gradually gave way to the view that the peace of society required the public to participate in determining guilt or innocence and in exacting a penalty.

Criminal law thus focused on maintaining public order among people of equal status and wealth. Given the parties involved, the main criminal punishments were penance and the payment of fines or restitution. Lower-class offenders without money received physical punishment at the hands of their masters.

During this same period the church, as the dominant social institution, maintained its own system of ecclesiastical punishments, which made a great impact on society as a whole. Especially during the Inquisition of the 1300s and 1400s, the church zealously punished those who violated its laws. At the same time, it gave refuge from secular prosecution to people who could claim *benefit of clergy*. In time, benefit of clergy was extended to all literate people.

In the later Middle Ages, especially during the 1400s and 1500s, the authority of government grew, and the criminal law system became more fully developed. With the rise of trade, the breakdown of the feudal order, and the emergence of a middle class, other forms of sanction were applied. In addition to fines, five punishments were common in Europe before the 1800s: galley slavery, imprisonment, transportation, corporal punishment, and death. As we discuss later, each of these punishments had a specific purpose, and the development of each was linked to ongoing social conditions. Realize that at the time, with no police force nor other centralized instruments of order, deterrence was the dominant purpose of the criminal sanction. Thus before the 1800s it was believed that one of the best ways to maintain order was to intimidate the entire population by publicly punishing offenders.
Galley slavery was the practice of forcing men to row ships. Now popularly identified with ancient Rome or Greece, galley slavery was not formally abolished throughout Europe until the mid-1700s. However, by the 1500s the practice had begun to wane with the advent of heavy sailing ships. At first exclusively for slaves or men captured in battle, galley slavery came to be the lot of some convicts, often as a reprieve from the gallows. According to a 1602 proclamation by Queen Elizabeth I, the galleys were considered more merciful than ordinary civil punishments, even though the oarsmen might remain in chains for life.

Imprisonment

Until the late Middle Ages, prisons were used primarily for the detention of people awaiting trial. In ancient times, offenders were incarcerated in cages, in rock quarries, or even in chambers under the Roman Forum while they awaited punishment. Short imprisonment as punishment was used in Italy, France, Germany, and England for petty crime, often for those unable to pay their fines or debts. But for most offenders prior to the 1800s, imprisonment was not the primary punishment.

Conditions in these jails were appalling. Men, women, and children, healthy and sick, were locked up together; the strong preyed on the weak, there was no sanitation, and disease was epidemic. Furthermore, authorities made no provision for the inmates’ upkeep. Often the warden viewed his job as a business proposition, selling food and accommodations to his charges. The poor thus had to rely for survival on alms brought to them by charitable people and religious groups.

Attempts to reform prisons began in the 1500s. With the disintegration of feudalism, political power became more centralized and economies began to shift from agriculture to manufacturing. As links to feudal landlords dissolved, the rural poor wandered about the countryside or drifted to the cities. The emphasis of the Protestant Reformation on the importance of hard work and on the sinfulness of sloth stirred European reformers to urge that some means be found to provide work for the idle poor. Out of these concerns the house of correction or “workhouse” was born.

In 1553 London’s Bishop Nicholas Ridley persuaded Edward VI to donate Bridewell Palace as the first house of correction. By a law passed in 1609 each English county was required to provide “bridewells” or houses of correction. These facilities did not serve merely as a place of detention, as did the jail; they instead combined the major elements of a workhouse, poorhouse, and penal institution. Whereas jails were thought to promote idleness among the inmates, the house of correction was expected to instill “a habit of industry more conducive to an honest livelihood.” The inmates—primarily prostitutes, beggars, minor criminals, and the idle poor such as orphans and the sick—were to be disciplined and set to work. The products made in the house of correction were to be sold on the market, so that the facility would be self-sufficient and not need government subsidy. The term Bridewell House came to be used for all versions of the English house of correction.

Institutions similar to the English house of correction appeared in Holland, France, Germany, and Italy. Visiting these places in 1775, the English penal reformer John Howard was impressed by their cleanliness, discipline, and emphasis on rehabilitation through Bible study and regularity of habits. A motto carved over the

Bridewell Houses were workhouses established throughout England for the employment and housing of offenders. Here, prisoners work at the treadmill while others exercise in the yard of the vagrants’ prison.
British offenders transported to Australia in the 19th century lived under military rule and worked for the Crown. On completion of their sentence, most remained and helped found a new nation.
executed. The Transportation Act of 1718 made transportation the standard penalty for noncapital offenses. From 1718 to 1776 an estimated 50 thousand British convicts were shipped to the American colonies. In 1772 three-fifths of male convicts were transported.\(^\text{12}\)

With the onset of the American Revolution, transportation from England temporarily halted. By this time questions also had been raised about the appropriateness of the policy. Some critics argued that it was unjust to send convicts to live in a country where their lives would be easier than at home. But perhaps more importantly, by the beginning of the 1700s American planters had discovered that African slaves were better workers and economically more profitable than English convicts. The importation of black slaves increased dramatically, the prisons of England again became overcrowded, and large numbers of convicts were assigned to live in hulks (abandoned ships) along the banks of the Thames.

British transportation began again in 1787, to different locales. Over the next 80 years, 160,000 prisoners were transported from Great Britain and Ireland.
to New South Wales, Tasmania, and other parts of Australia. As the historian Robert Hughes explains,

*Every convict faced the same social prospects. He or she served the Crown or, on the Crown’s behalf, some private person, for a given span of years. Then came a pardon or a ticket-of-leave, either of which permitted him to sell his labor freely and choose his place of work.*

However, in 1837 a committee of Parliament reported that, far from reforming criminals, transportation created thoroughly depraved societies. Critics argued that the Crown was forcing Englishmen to be “slaves until they were judged fit to become peasants.”

The committee recommended a penitentiary system in which offenders were confined and set to hard labor. This recommendation was only partially adopted; not until 1868 did all transportation from England cease.

**CORPORAL PUNISHMENT AND DEATH**

Although *corporal punishment* and death have been used throughout history, the 16th through 18th centuries in Great Britain and Europe were particularly brutal. For example, the German criminal code of 1532 specified,

*An ordinary murderer or burglar merits hanging in chains or beheading with the sword. A woman who murders her infant is buried alive and impaled, a traitor is drawn and quartered. Other grave offenders may be burned to death, or drowned, or set out to die in agony upon the wheel with their limbs smashed.*

Because they considered the publicity of punishment a useful deterrent, authorities carried sanctions out in the market square for all to see. The punishments themselves were harsh: whipping, mutilation, and branding were used extensively, and death was the common penalty for a host of felonies. For example, some 72,000 people were hanged during the reign of Henry VIII (1509–1547), and in the Elizabethan period (1558–1603) vagabonds were strung up in rows of 300–400 at a time. (The modern equivalent would be 15,000–23,000 Americans strung up at once.) Capital punishment could either be a “merciful” instant death (beheading, hanging, garroting, or burying alive), or a prolonged death (burning alive or breaking on the wheel). As Pieter Spierenburg notes, prolonged death was practically unknown in England, “Although a famous pamphlet of 1701 argued that hanging did not effectively deter potential lawbreakers.”

Those criminals who were not executed faced various mutilations—removing a hand or finger, slitting the nostrils, severing an ear, and so on—that the offenders could be publicly identified. Such mutilation usually made it impossible for the marked individual to find honest employment. In sum, almost every imaginable torture was used in the name of retribution, deterrence, the sovereignty of the authorities, and the public good.

The reasons for the rise in the severity of punishments during this period are unclear but are thought to reflect the expansion of criminal law, the enhanced power of secular authorities, an increase in crime (especially during the 18th century), and changes in the economic system. For example, the number of crimes for which the English authorized the death penalty swelled from 50 in 1688 to 160 in 1765 and reached 225 by 1800. Some of the new statutes made capital crimes of offenses that had previously been treated more leniently, and other laws criminalized certain activities for the first time. But the criminal law, popularly known as the Bloody Code, was less rigid than it seemed; it allowed judicial discretion, and lesser punishments were often given.

London, as well as other cities, doubled in population from 1600 to 1700, although the overall population of England and Wales rose by only 25 percent. Because of the population increases and the accompanying widespread poverty, the incidence of crime in the cities ballooned. The rise in the number of prosecutions and convictions may also...
have represented a response by government and the elite to the threat posed to public order by the suddenly outsized working-class population. As Georg Rusche and Otto Kirchheimer argue, the rise of capitalism led to economic, rather than penal, considerations as the basis for punishment.20

As noted previously, by the middle of the 1700s England was inflicting capital and corporal punishment extensively, transporting large numbers of convicts overseas, and facing the problem of overcrowded jails and houses of correction; yet crime continued its upward curve. England, the most advanced and powerful country in the world, was ready for correctional reform.

At this stage, economic and social factors, particularly concerning labor, began to reshape the nature of penal sanctions. Other important influences stemmed from altered political relationships and changes in the power of the church and the organization of secular authority.

Around the same time, the revolutionaries in the American colonies, with their liberal ideas about the relationship between citizen and government and their belief in human perfectibility, were setting the stage for a shift in penal policies.

In view of all these considerations, we can arbitrarily designate 1770 as the eve of a crucial period of correctional reform on both sides of the Atlantic.

ON THE EVE OF REFORM

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THE AGE OF REASON AND CORRECTIONAL REFORM

During the 1700s, Western scholars and social activists, particularly in England and France, engaged in a sweeping reconception of the nature of society. In this remarkable period, known as the Enlightenment, or the Age of Reason, new ideas based on rationalism, the importance of the individual, and the limitations of government replaced traditional assumptions. Revolutions occurred in America and France, science made great advances, and the Industrial Revolution came into full swing.

Until the 1700s European society had been generally static and closed; individuals had their place in a hierarchy of fixed social relationships. The Enlightenment represented a liberal reaction against this feudal and monarchical tradition. The Reformation had already ended the religious monopoly held by the Catholic church, and the writings of such Protestant thinkers as Martin Luther and John Calvin encouraged a new emphasis on individualism and the social contract between government and the governed. The triumph of William of Orange in the Glorious Revolution of 1688 brought increased power to the English Parliament, and the institutions of representative government were strengthened. The 1690 publication of John Locke’s two treatises on government further developed the ideas of a liberal society, as did the writings of the French thinkers Montesquieu and Voltaire.

Finally, advances in scientific thinking led to a questioning attitude that emphasized observation, experimentation, and technological development. Sir Isaac Newton argued that the world could be known and reduced to a set of rules. The scientific revolution had a direct impact on social and political thought because it encouraged people to question established institutions, use the power of reason to remake society, and believe that progress would ultimately bring about a just community.

What impact did these political and social thinkers of the Enlightenment have on corrections? As we have emphasized, ideas about crime and justice are part of larger philosophical and scientific movements. Because of the ideas that gained currency in the 1700s, people in America and Europe began to rethink such matters as the procedures
to be used to determine guilt, the limits on a government’s power to punish, the nature of criminal behavior, and the best ways to correct offenders. Specifically they began to reconsider how criminal law should be administered and to redefine the goals and practices of corrections. During this period the classical school of criminology emerged, with its insistence on a rational link between the gravity of the crime and the severity of the punishment. Proponents of the social contract and utilitarian philosophies emphasized limitations on the power of government and proposed the need to erect a system of graduated criminal penalties to deter crime. Further, political liberals and religious groups encouraged reform of the prison system.

All these factors produced a major shift in penal thought and practice. Penal codes were rewritten to emphasize adaptation of punishment to the offender. Correctional practices moved away from inflicting pain on the body of the offender, toward methods that would set the individual on a path of honesty and right living. Finally, the penitentiary developed as an institution in which criminals could be isolated from the temptations of society, reflect on their offenses, and thus be reformed.

Of the many individuals who actively promoted the reform of corrections, three stand out: Cesare Beccaria (1738–1794), the founder of what is now called the classical school of criminological thought; Jeremy Bentham (1748–1832), a leader of reform in England and the developer of a utilitarian approach to crime and punishment; and John Howard (1726–1790), the sheriff of Bedfordshire, England, who helped spur changes that resulted in the development of the penitentiary.

CESARE BECCARIA AND THE CLASSICAL SCHOOL

The rationalist philosophy of the Enlightenment, with its emphasis on individual rights, was applied to the practices of criminal justice by the Italian scholar Cesare Beccaria in his 1764 book On Crimes and Punishments. He argued that the true aim and only justification for punishment is utility: the safety it affords society by preventing crime. Beccaria focused in particular on the lack of a rational link between the gravity of given crimes and the severity of punishment. Six principles underlie the reforms Beccaria advocated, principles from which the classical school of criminology emerged:

1. The basis of all social action must be the utilitarian concept of the greatest good for the greatest number of people.
2. Crime must be considered an injury to society, and the only rational measure of crime is the extent of the injury.
3. Prevention of crime is more important than punishment for crimes. To prevent crime, laws must be improved and codified so that citizens can understand and support them.
4. Secret accusations and torture must be abolished. Further, the accused have a right to speedy trials and to humane treatment before trial, as well as every right to bring forward evidence on their behalf.
5. The purpose of punishment is crime deterrence, not social revenge. Certainty and swiftness in punishment, rather than severity, best secure this goal.
6. Imprisonment should be more widely employed, and better physical quarters should be provided, with prisoners classified by age, sex, and degree of criminality.

Beccaria summarized the thinking of those who wanted to rationalize the law: “In order for punishment not to be, in every instance, an act of violence of one or many against a private citizen, it must be essentially public, prompt, necessary, the least possible in the given circumstances, proportionate to the crime, dictated by laws.”

Beccaria’s ideas took hold especially in France; many of them were incorporated in the French Code of 1791, which ranked crimes on a scale and affixed a penalty to each. In the United States, James Wilson, the leading legal scholar of the postrevolutionary period, credited Beccaria with having influenced his thinking, notably with regard to
the deterrent function of punishment. Through Wilson, Beccaria’s principles had an important effect on reform of the penal laws of Pennsylvania, which laid the foundation for the penitentiary movement.23

JEREMY BENTHAM AND THE “HEDONIC CALCULUS”

Jeremy Bentham, one of the most provocative thinkers and reformers of English criminal law, is best known for his utilitarian theories, often called his “hedonic calculus.” Bentham claimed that one could categorize all human actions and, either through pleasurable (hedonic) incentives or through punishment, direct individuals to desirable activities. Undergirding this idea was his concept of utilitarianism, the doctrine that the aim of all action should be “the greatest happiness of the greatest number.” As Bentham noted, an act possesses utility “if it tends to produce benefit, advantage, pleasure, good or happiness . . . or to prevent the happening of mischief, pain, evil or unhappiness to the party whose interest is considered.”24 Thus, according to Bentham, rational people behave in ways that achieve the most pleasure while bringing the least pain; they are constantly calculating the pluses and minuses of potential actions.

In Bentham’s view, criminals were somewhat childlike or unbalanced, lacking the self-discipline to control their passions by reason. Behavior was not preordained, but rather an exercise of free will. Thus crime was not sinful, but the result of improper calculation. Accordingly the criminal law should be organized so that the offender would derive more pain than pleasure from a wrongful act. Potential offenders, recognizing that legal sanctions were organized according to this scheme, would be deterred from committing antisocial acts.

Bentham sought to reform the criminal laws of England so that they emphasized deterrence and prevention. The goal was not to avenge an illegal act, but to prevent the commission of such an act in the first place. Because excessive punishment was unjustified, the punishment would be no more severe than necessary to deter crime: not “an act of wrath or vengeance,” but one of calculation tempered by considerations of the social good and the offender’s needs.25

Bentham developed plans for a penitentiary based on his utilitarian principles. The design of his “panopticon,” or “inspection house,” called for a circular building with a glass roof and cells on each story around the circumference. This arrangement would permit a prison inspector in the center of the building to keep out of sight of the prisoners yet view their actions through a system of blinds. The panopticon was never constructed in England; one was proposed for France but never adopted, as was one for Ireland. Two panopticon-type prisons actually were constructed in the United States. Western State Penitentiary, modeled to some extent on Bentham’s ideas, opened in Pittsburgh in 1825. The fullest expression of the style was the prison in Stateville, Illinois, where four circular cellhouses were built from 1916 to 1924. Described by an architect as “the most awful receptacle of gloom ever devised and put together with good stone and brick and mortar,”26 the panopticon was quickly abandoned.

JOHN HOWARD AND THE BIRTH OF THE PENITENTIARY

Probably no individual did more for penal reform in England than John Howard—county squire, social activist, and sheriff of Bedfordshire. Like many members of the new merchant class, Howard had a social conscience and was concerned about conditions among the poor. On being appointed high sheriff of Bedfordshire in 1773, he exercised the traditional but usually neglected responsibility of visiting the local prisons and institutions. He was shocked by what he saw, especially when he learned that the jailers received no regular salary but made their living from the prisoners

You can find additional information about Jeremy Bentham at the corresponding link at http://www.thomsonedu.com/criminaljustice/clear.

See a virtual panopticon at the corresponding link at http://www.thomsonedu.com/criminaljustice/clear.

You can find additional information about John Howard at the corresponding link at http://www.thomsonedu.com/criminaljustice/clear.
and that many people who had been discharged by the grand jury or acquitted at
their trials were still detained because they could not pay their discharge fees.27

Howard expanded his inspections to the prisons, hulks, and houses of correction
outside his jurisdiction in England, and then to those in other parts of Europe. In Eng-
land the prisons were overcrowded, discipline was lacking, and sanitation was unheard
of—thousands died yearly from disease. Even members of the free community feared
“prison fever,” for the disease often infected courthouse personnel and others in contact
with offenders. At the time, seven years of imprisonment was viewed as a de facto penalty
of death.

Howard thought that England should copy some of the prisons he visited in Belgium,
Holland, Germany, and Italy. In particular, he was favorably impressed by the separate
confine ment of inmates at night after their common daytime tasks. Of the Maison de Force
in Ghent he wrote, “The convicts were properly lodged—fed—clothed— instructed—
worked. The utmost regularity, order, cleanliness prevailed; there was no drunkenness;
no riot; no excessive misery; no irons, no starvation.”28

Howard's descriptions of conditions in English penal institutions horrified the pub-
lic. Of particular concern was the lack of discipline. After his report to the House of
Commons, Howard, along with Sir William Blackstone and William Eden, drafted the
Penitentiary Act of 1779, a curious amalgam of traditional and progressive ideas that
greatly affected penology.

The Penitentiary Act originally called for creating houses of hard labor where people
who would otherwise have faced transportation would instead be imprisoned for up to
two years. The act was based on four principles set down by Howard: (1) secure and
sanitary structure, (2) systematic inspection, (3) abolition of fees, and (4) a reformatory
regimen. Prisoners were to be confined in solitary cells
at night but were to labor silently in common rooms
during the day. The labor was to be “of the hardest
and most servile kind, in which Drudgery is chiefly re-
quired and where the Work is little liable to be spoiled
by Ignorance, Neglect or Obstinance”—such work as
sawing stone, polishing marble, beating hemp, and
chopping rags.29 The legislation further detailed such
items as the prisoner’s diet, uniforms, and conditions
of hygiene.

Perhaps influenced by his Quaker friends, Howard
came to believe that the new penal institution should
be a place not merely of industry but also of contrition
and penance. The twofold purpose of the penitentiary
was to punish and to reform offenders through soli-
tary confinement between intervals of work, the in-
culcation of good habits, and religious instruction so
that inmates could reflect on their moral duties.

The Penitentiary Act and follow-up legislation
passed in 1782 and 1791 attracted political support
from a variety of sources. Legalists sought to deter
crime, philanthropists wanted to help humanity, con-
servatives thought products made by convict labor
would save money, and pragmatic politicians wanted
to solve the disquieting prison situation. Philanthro-
pists and other social reformers believed solitary con-
finement was the best way to end the evil of inmate
association and to allow reflection. Bentham agreed,
because he believed the penitentiary would help deter
crime by being onerous to but not destructive of the
offender.
Was it just the humanistic concerns of the Quakers and individuals such as Bentham and Howard that prompted this era of criminal law reform, or were other forces at work as well? Apparently reform sprang as much from the emergence of the middle class as from humanism. The new industrialists may have been concerned about the existing criminal law because, paradoxically, its harshness helped some offenders escape punishment. Jurors would not convict people accused of petty property offenses for which death was prescribed. In petitions to Parliament, groups of businessmen complained that their property was not protected if offenders could expect to escape punishment. They wanted swift and certain sanctions, and their demands coincided with the moral indignation of Bentham, Howard, and their fellow reformers.

Traditional scholarship on corrections has emphasized the humanitarian motives of reformers seeking a system of benevolent justice. However, other scholars have focused on the underlying economic or social factors that account for shifts in correctional policies. They do not accept the standard version that such people as Beccaria, Bentham, and Howard were motivated by concern for their fellow humans when they advocated a particular perspective on the problem of criminality. The revisionists suggest, for example, that until 1700 the size of the incarcerated population in England was linked to the economic demand for workers. The penitentiary may thus represent not the product of the humanitarian instincts unleashed by the Enlightenment, but a way to discipline the working class to serve a new industrial society.

Changes took place in England’s prisons, and new institutions were constructed along lines suggested by Howard and Bentham, but not until 1842, with the opening of Pentonville in North London, did the penitentiary plan come to fruition. Meanwhile, the concept of the penitentiary had traveled across the to the new American republic, where it developed.

**SUMMARY**

- The earliest known comprehensive statement of prohibited behavior appears in the Sumerian Law of Mesopotamia (3100 B.C.E.) and the Code of Hammurabi (1750 B.C.E.)
- From the Middle Ages to the American Revolution, corrections consisted primarily of galley slavery, imprisonment, transportation, corporal punishment, and death.
- With the onset of the American Revolution, transportation from England was temporarily halted and convicts were held in “hulks” (abandoned ships). After 1787 British prisoners were transported to New South Wales, Tasmania, and other parts of Australia.
- In the latter part of the eighteenth century, the Enlightenment (Age of Reason) brought changes in penal policy.
- Rather than stressing physical punishment of the offender, influential Enlightenment thinkers such as Beccaria, Bentham, and Howard sought methods for the reforming offenders.
- The reforms were first proposed in Europe and later fully developed in America.

**KEY TERMS**

Beccaria, Cesare (35)  
benefit of clergy (29)  
Bentham, Jeremy (36)  
corporal punishment (33)  
The Enlightenment, or the Age of Reason (34)  
galley slavery (30)  
house of correction (30)  
Howard, John (36)  
hulks (32)  
lex talionis (28)  
secular law (28)  
transportation (31)  
utilitarianism (36)  
wergild (29)
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FOR DISCUSSION

1. In what ways have changes in the social, economic, and political environment of society been reflected in correctional policies?
2. How do you suppose the developments discussed in this chapter eventually brought about the separation of children from others in the prison system?
3. How have the interests of administrators and the organizations they manage distorted the ideals of penal reformers?
4. Some people believe the history of corrections shows a continuous movement toward more-humane treatment of prisoners as society in general has progressed. Do you agree? Why or why not?
5. How may specific underlying social factors have influenced the development of correctional philosophies?

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Go to the American Corrections 8e Book Companion Website: http://www.thomsonedu.com/criminaljustice/clear for quick, easy access to all of the free and exciting resources available with this text, including the web links found in the text’s margins, chapter reviews, additional quizzing, Internet activities, flash cards, review games, and more.

FOR FURTHER READING

Foucault, Michel. Discipline and Punish. New York: Pantheon, 1977. Describes the transition from a focus on punishment of the body of the offender to the use of the penitentiary to reform the individual.

NOTES

10. Matthews, Doing Time, 8.
14. Ibid.
15. Ibid., 162.
20. Rusche and Kirchheimer, Punishment and Social Structure, 96.
25. Ignatieff, Just Measure of Pain, 27.
28. Barnes and Teeters, New Horizons in Criminology, 481.
29. Ignatieff, Just Measure of Pain, 93.
On October 25, 1829, Charles Williams, an 18-year-old African American from Delaware County, Pennsylvania, began serving a two-year sentence for larceny at the Eastern Penitentiary, located in Cherry Hill outside of Philadelphia. The newly constructed facility was described at the time as "the most imposing in the United States." Williams was assigned to a cell measuring 12 by 8 by 10 feet with an attached 18-foot-long exercise yard. The cell was furnished with a fold-up metal bedstead, a simple toilet, a wooden stool, a workbench, and eating utensils. Light came from an 8-inch window in the ceiling; the window could be blocked to plunge the cell into darkness as a disciplinary measure.

Charles Williams became Prisoner Number 1 at Eastern, a model of the separate confinement penitentiary viewed at the time as a great advance in penology. For the two years of his sentence, Williams would be confined to his cell and exercise yard, his only human contact being a weekly visit by the chaplain. Every measure was taken to ensure that the prisoner would not be distracted from his moral rehabilitation. Officials could inspect the interior of the cell through a peephole without the resident knowing. Food was inserted through an opening in the wall, designed so that the inmate could not see the guard. Solitary labor, Bible reading, and reflection on his own behavior were viewed as the keys to providing the offender with the opportunity to repent.

Few Americans realize that their country gave the world its first penitentiary, an institution created to reform offenders within an environment designed to focus their full attention on their moral rehabilitation. This goal of reform reflected a major shift in correctional thinking. Remember that brutal public punishments such as the dismemberment of Damiens had occurred with some regularity just
60 years before Williams entered Eastern. Thought about both human nature and the purpose of punishment had changed dramatically.

English trends and practices greatly influenced American corrections, especially during its formative years. Although the work of Cesare Beccaria and the development of the Milan House of Correction affected penal policies throughout much of the Western world, corrections in colonial America followed English ideas and policies. Further, although these transatlantic ties have continued over the years, American correctional institutions and practices have developed in decidedly American ways in responding to social and political pressures within the United States.

Located outside of Philadelphia, Eastern State Penitentiary became the model of the Pennsylvania system of “separate” confinement. The building was designed to ensure that each offender remained separated from all human contact so that he could reflect on his misdeeds.
This chapter surveys the historical changes in correctional thought and practices in the United States. We focus on seven periods: the colonial period, the arrival of the penitentiary, the reformatory movement, the progressive movement, and the rise of the medical model, the community model, and the crime control model. As each period is discussed, we emphasize the ways in which correctional goals reflected ideas current at the time.

Questions for Inquiry

1. What was the importance of “The Great Law”?
2. What basic assumptions did supporters of the penitentiary in Pennsylvania and New York share?
3. What elements of the Cincinnati Declaration became part of the reformatory?
4. What reforms did the Progressives advocate?
5. According to advocates of the medical model, what was the nature of criminal behavior and its correction?
6. How did the community model reflect the social and political values of the 1960s and 1970s?
7. What forces and events led to the present crime control model?

THE COLONIAL PERIOD

WILLIAM PENN (1644-1718)

English Quaker who arrived in Philadelphia in 1682. Succeeded in getting Pennsylvania to adopt “The Great Law” emphasizing hard labor in a house of correction as punishment for most crimes.

During the colonial period, most Americans lived under laws and practices transferred from England and adapted to local conditions. In New England, the Puritans maintained a strict society, governed by religious principles, well into the middle of the 18th century, and they rigorously punished violations of religious laws. As in England, banishment, corporal punishment, the pillory, and death were the common penalties. In 1682, with the arrival of William Penn, Pennsylvania adopted “The Great Law,” which was based on humane Quaker principles and emphasized hard labor in a house of correction as punishment for most crimes. Death was reserved for premeditated murder. The Quaker Code survived until 1718, when it was replaced by the Anglican Code, which was already in force in other colonies. The latter code listed 13 capital offenses, with larceny the only felony not punishable by death. Whipping, branding, mutilation, and other corporal punishments were prescribed for other offenses, as were fines. Enforcement of this code continued throughout the colonies until the Revolution.

Unlike the mother country, with its crowded hulks, jails, and houses of correction, the colonies seldom used institutions for confinement. Instead, banishment, fines, death, and the other punishments just mentioned were the norm. As David Rothman writes, the death penalty was common:

The New York Supreme Court in the pre-Revolutionary era regularly sentenced criminals to death, with slightly more than twenty percent of all its penalties capital ones. When magistrates believed that the fundamental security of the city was in danger, as in the case of a slave revolt in 1741, the court responded with great severity (burning to death thirteen of the rebellion’s leaders and hanging
Until the beginning of the 1800s, America remained sparsely populated and predominantly rural. In 1790 the entire population numbered less than four million, and no city had more than 50,000 inhabitants. By 1830 the rural population had more than doubled and the urban population had more than tripled. Growth was accompanied by rapid social and economic changes that affected all aspects of life. Colonial life had been oriented toward the local community; everyone knew everyone else, neighbors helped one another as needed, and the local clergy and elite maintained social control. In the 19th century, however, social problems could no longer be handled with the help of neighbors. In an increasingly heterogeneous urban and industrial society, responsibility for the poor, insane, and criminal became the province of the state and its institutions.

With the Revolution, the ideas of the Enlightenment gained currency (see Chapter 2), and a new concept of criminal punishment came to the fore. This correctional philosophy, based on the ideas of Beccaria, Bentham, and Howard, coincided with the ideals of the Declaration of Independence, which took an optimistic view of human nature and a belief in each person's perfectibility. Social progress was thought possible through reforms to match the dictates of “pure reason.” Emphasis also shifted from the assumption that deviance was part of human nature, to a view that crime was caused by forces in the environment. The punitive colonial penal system based on retribution thus was held to be incompatible with the idea of human perfectibility.

Reformers argued that if Americans were to become committed to the humane and optimistic ideal of human improvability, they had to remove barbarism and vindictiveness from penal codes and make reformation of the criminal the primary goal of punishment. Thomas Jefferson and other leaders of the new republic worked to liberalize the harsh penal codes of the colonial period. Pennsylvania led the way with new legislation that sought “to reclaim rather than destroy; ‘to correct and reform the offenders,’ rather than simply to mark or eliminate them.” Several states, including Connecticut (1773), Massachusetts (1785), New York (1796), and Pennsylvania (1786), added incarceration with hard labor as an alternative to such public punishments as whippings and the stocks. For example, the Massachusetts State Prison, which opened in 1805, was designed as a workhouse; inmates labored from dawn to dusk making shoes and nails as a means of “destroying [their] ‘habit of idleness’ and replacing it with a ‘habit of industry’ more conducive to an honest livelihood.”

### THE ARRIVAL OF THE PENITENTIARY

Until the beginning of the 1800s, America remained sparsely populated and predominantly rural. In 1790 the entire population numbered less than four million, and no city had more than 50,000 inhabitants. By 1830 the rural population had more than doubled and the urban population had more than tripled. Growth was accompanied by rapid social and economic changes that affected all aspects of life. Colonial life had been oriented toward the local community; everyone knew everyone else, neighbors helped one another as needed, and the local clergy and elite maintained social control. In the 19th century, however, social problems could no longer be handled with the help of neighbors. In an increasingly heterogeneous urban and industrial society, responsibility for the poor, insane, and criminal became the province of the state and its institutions.

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Incarceration, in the tradition of the English workhouse, developed in the immediate aftermath of the Revolution. The **penitentiary**, as conceptualized by the English reformers and their American Quaker allies, first appeared in 1790, when part of Philadelphia’s Walnut Street Jail was converted to allow separate confinement. The penitentiary differed markedly from the prison, house of correction, and jail. It was conceived as a place where criminal offenders could be isolated from the bad influences of society and one from another so that, while engaged in productive labor, they could reflect on their past misdeeds, repent, and be reformed. As the word penitentiary indicates, reformers hoped that while offenders were being punished, they would become penitent, see the error of their ways, and wish to place themselves on the right path. They could then reenter the community as useful citizens.

The American penitentiary attracted the world’s attention, and the concept was incorporated at Millbank and Pentonville in England and in various other locales in Europe. By 1830 foreign observers were coming to America to see this innovation in penology; they were excited by the changes being made in the United States. For instance, France sent Alexis de Tocqueville and Gustave Auguste de Beaumont, England sent William Crawford, and Prussia sent Nicholas Julius. By the middle of the century, the U.S. penitentiary in its various forms—especially the Pennsylvania and New York systems—had indeed become world famous.

**THE PENNSYLVANIA SYSTEM**

As in England, Quakers set about to implement their humanistic and religious ideas in the new nation; in Philadelphia their efforts came to fruition. For Quakers, penance and silent contemplation could allow one to move from the state of sin toward perfection. The penitentiary thus provided a place where individuals, on their own, could be reformed.

Quakers were among the Philadelphia elite who in 1787 formed the reformist Society for Alleviating the Miseries of Public Prisoners. Under the Quaker leadership of **Benjamin Rush** and others such as Benjamin Franklin, the society urged replacement of capital and corporal punishment with incarceration. Members had been communicating with John Howard, and their ideals in many ways reflected his.

In 1790 the group was instrumental in passing legislation almost identical to England’s Penitentiary Act of 1779. The 1790 law specified that an institution was to be established in which “solitary confinement to hard labour and a total abstinence from spirituous liquors will prove the most effectual means of reforming these unhappy creatures.”

To implement the new legislation, the existing three-story Walnut Street Jail in Philadelphia was expanded in 1790 to include a “Penitentiary House” for the solitary confinement of “hardened and atrocious offenders.” The plain stone building housed eight cells on each floor and had an attached yard. Each cell was dark and small (only 6 feet long, 8 feet wide, and 9 feet high). From a small grated window high on the outside wall, inmates “could perceive neither heaven nor earth.” Inmates were classified by offense: Serious offenders were placed in solitary confinement without labor; the others worked together in shops during the day under a strict rule of silence and were confined separately at night.

Soon, when the Walnut Street Jail became overcrowded, the legislature approved construction of
additional institutions for the state: Western Penitentiary on the outskirts of Pittsburgh and Eastern Penitentiary in Cherry Hill, near Philadelphia. The opening of Eastern in 1829 marked the full development of the penitentiary system based on separate confinement. In the years between Walnut Street and Eastern, other states had adopted aspects of the Pennsylvania system. Separate confinement was introduced by Maryland in 1809, by Massachusetts in 1811, by New Jersey in 1820, and by Maine in 1823, but Eastern became the fullest expression of the concept of rehabilitation through separate confinement.

Eastern Penitentiary was designed by John Haviland, an English immigrant and an acquaintance of John Howard. One of the most imposing and expensive public structures of its day, the facility apparently was modeled after the Maison de Force at Ghent. Cell blocks extended from a central hub like the spokes of a wheel. Each prisoner ate, slept, worked, and received religious instruction in his own cell. The inmates did not see peers; in fact, their only human contact was the occasional visit of a clergyman or prison official.

As described by Robert Vaux, one of the original reformers, the Pennsylvania system was based on the following principles:

1. Prisoners would not be treated vengefully but should be convinced that through hard and selective forms of suffering they could change their lives.
2. Solitary confinement would prevent further corruption inside prison.
3. In isolation, offenders would reflect on their transgressions and repent.
4. Solitary confinement would be punishment because humans are by nature social beings.
5. Solitary confinement would be economical because prisoners would not need long periods of time to repent, and therefore fewer keepers would be needed and the costs of clothing would be lower.

The Pennsylvania system of separate confinement soon became controversial. Within five years of its opening, Eastern endured the first of several investigations carried out over the years by a judicially appointed board of inspectors. The reports detailed the extent to which the goal of separate confinement was not fully observed, physical punishments were used to maintain discipline, and prisoners suffered mental breakdowns because of the isolation. Separate confinement had declined by the 1860s when crowding required doubling up in each cell, yet it was not abolished in Pennsylvania until 1913.

THE NEW YORK (AUBURN) SYSTEM

Faced with overcrowded facilities such as Newgate Prison, built in Greenwich Village in 1797, the New York legislature in 1816 authorized a new state prison in Auburn. Influenced by the reported success of the separate confinement of some prisoners in the Walnut Street Jail, the New York building commission decided to erect a portion of the new facility on that model and to authorize an experiment to test its effectiveness. The concept proved a failure—sickness, insanity, and suicide increased markedly among the prisoners. The practice was discontinued in 1824, and the governor pardoned those then held in solitary.

In 1821 Elam Lynds was installed as warden at Auburn. Instead of duplicating the complete isolation practiced in Pennsylvania, Lynds worked out a new congregate system of prison discipline whereby inmates were held in isolation at night but congregated in workshops during the day. The inmates were forbidden to talk or even to exchange glances while on the job or at meals. Lynds was convinced that convicts were incorrigible and that industrial efficiency should be the overriding purpose of the prison. He instituted a reign of discipline and obedience that included the lockstep and the wearing of prison stripes. Furthermore, he considered it “impossible to govern a large prison without a whip. Those who know human nature from books only may say the contrary.”

Whereas inmates of the Pennsylvania penitentiaries worked in their cells, those in New York were employed in workshops both as therapy and as a way to finance the institution. Convict labor for profit through a contract labor system became an essential part of Auburn and other northeastern penitentiaries. Through this system of “free” convict
labor, the state negotiated contracts with manufacturers, who then delivered raw materials to the prison for conversion into finished goods. By the 1840s Auburn was producing footwear, barrels, carpets, carpentry tools, harnesses, furniture, and clothing. During this period, inmates also built the new prison at Ossining-on-the-Hudson (Sing Sing). Wardens at Auburn and other prisons that adopted the New York (often called Auburn) system seemed to be more concerned with instilling good work habits and thus preventing recidivism (relapse into crime) than with rehabilitating prisoners’ character.

DEBATING THE SYSTEMS

Throughout this era, the preferred structure of prison systems was hotly debated. Advocates of both the Pennsylvania and the New York plans argued on public platforms and in the nation’s periodicals over the best methods of punishment (see Table 3.1). Underlying the debates were questions about disciplining citizens in a democracy and maintaining conformity to social norms in a society that emphasized individualism. Participants included some of the leading figures of the time. As each state considered new penal construction, it joined the debate.

What divided the two camps was the way in which reformation was to be brought about. Proponents of the New York system maintained that inmates first had to be “broken” and then socialized by means of a rigid discipline of congregate but silent labor. Advocates of Pennsylvania’s separate system rejected such harshness and, following Howard, renounced physical punishments and any other form of human degradation. The New Yorkers countered that the silent system cost less, efficiently tapped convict labor, and developed individuals who eventually would be able to return to the community with the discipline necessary for the industrial age. The Pennsylvanians responded that New York had sacrificed the principal goal of the penitentiary (reformation) to the accessory goal (cost-effectiveness) and contended that exploiting inmates through large-scale industry failed to promote the work ethic and only embittered them.

The Pennsylvania model looked back to an earlier, crafts-oriented, religious society, whereas the New York model looked forward to the emerging industrial age. John Conley argues that the Pennsylvania model lost out because it embraced an outdated labor system. In contrast, the New York system, as practiced at Auburn, was consistent with the
new demands and challenges of factory production, which “would provide the state with a means of exploiting the labor of inmates to defray the expenses of the institution and possibly earn a profit for the state.” In this sense Auburn served as forerunner of the industrial prison that would dominate until the rise of organized labor in the 20th century.

In addition to clarifying some hazy issues in the writings of Bentham and Howard, this debate contributed to decisions in several states and in Europe about how one should design and run penitentiaries. Most European visitors favored the Pennsylvania model, and the First International Prison Congress, held in 1846 in Germany, endorsed it by a large majority. The separate system was soon incorporated in correctional facilities in Germany, France, Belgium, and Holland.

Initially, many American states—New York in 1797, Massachusetts in 1805, and New Jersey in 1836—built penitentiaries with at least a portion devoted to separate confinement, but within a few years they shifted to the New York style. By 1840 hard labor organized under the contract system achieved dominance in northeastern penitentiaries.

As prison populations increased, the Pennsylvania system proved too expensive. In addition, the public became concerned by reports that prisoners were going insane because they could not endure long-term solitary confinement. Design for construction during the 19th century almost entirely followed the New York model (see Figure 3.1).

### Table 3.1 Comparison of Pennsylvania and New York (Auburn) Penitentiary Systems

<table>
<thead>
<tr>
<th></th>
<th>Goal</th>
<th>Implementation</th>
<th>Method</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Pennsylvania</strong></td>
<td>Redemption of the offender through the well-ordered routine of the prison</td>
<td>Isolation, penance, contemplation, labor, silence</td>
<td>Inmates kept in their cells for eating, sleeping, and working</td>
<td>Bible reading, work on crafts in cell</td>
</tr>
<tr>
<td>(separate system)</td>
<td>Redemption of the offender through the well-ordered routine of the prison</td>
<td>Inmates sleep in their cells but come together to eat and work</td>
<td>Work together in shops making goods to be sold by the state</td>
<td></td>
</tr>
<tr>
<td><strong>New York (Auburn)</strong></td>
<td>(congregate system)</td>
<td>Strict discipline, obedience, labor, silence</td>
<td>Inmates sleep in their cells but come together to eat and work</td>
<td>Work together in shops making goods to be sold by the state</td>
</tr>
</tbody>
</table>

Read about the origins of Auburn State Prison at the website of the New York Correction History Society, listed at http://www.thomsonedu.com/criminaljustice/clear.

### Figure 3.1

**Early Prisons in the United States**

Following the Civil War, southern states leased their prisoners to private entrepreneurs as field hands, railroad builders, loggers, and miners. Here, Virginia prisoners build a railroad through the mountains.

Yet not until the end of that century did Pennsylvania, the birthplace of the penitentiary, finally convert to the congregate system. In 1971, Eastern Penitentiary closed.

### DEVELOPMENT OF PRISONS IN THE SOUTH AND WEST

Historical accounts of American corrections tend to emphasize the 19th century reforms that took place in the populous states of the Northeast. Scholars often neglect penal developments in the South and the West. Prisons, some following the penitentiary model, were built in four southern states—Georgia, Kentucky, Maryland, and Virginia—before 1817. Later prisons such as the ones built in Jackson, Mississippi (1842), and Huntsville, Texas (1848), followed the Auburn model. But further expansion ended with the Civil War. With the exception of San Quentin (1852), the sparse population of the West did not lend itself to construction of many prisons until the latter part of the 19th century.

### SOUTHERN PENOLOGY

With the end of the Civil War, southern legislatures passed “Black Codes” designed to control newly freed African Americans by making it “a crime to have a gun, be out after a certain hour, or utter ‘offensive language’ in the presence of white women.”\(^{17}\) Conviction resulted in harsh punishments. At the same time, southerners faced the task of rebuilding their communities and economy. Because of the devastation of the war and depression in the agriculturally based economy, funds to construct new prisons remained scarce, even the face of an increasing population of convicts.
Given these challenges, a large African American inmate labor force, and the states’ need for revenue, southern states saw the development of the **lease system** and penal farms.

Although originating in Massachusetts in 1798, the leasing of convicts to private entrepreneurs took hold in the South in Kentucky (1825) and then in other southern states before the war. Businesses in need of workers could negotiate with the state for the labor and care of prisoners. This was particularly true in Alabama, Arkansas, Florida, Georgia, Louisiana, and Mississippi. In 1866, Alabama turned over the state prison to a contractor who worked the inmates in building a railroad through the heart of the state’s mineral region. Texas leased the Huntsville Penitentiary inmates to a firm that used them as laborers on railroad construction, wood milling, and cotton picking. As Edgardo Rotman notes, these entrepreneurs, “having no ownership interest in them (the prisoners), exploited them even worse than slaves.” The death rate of prisoners soared. See “Do the Right Thing” to consider further the problems surrounding inmate labor.

The South’s agrarian economy and the great number of African American offenders also provided the basis for the **penal farm**, a state-run plantation that grew crops to feed the inmates and to sell on the market. Large-scale penal farms developed mainly in the latter part of the century, particularly in Louisiana, Mississippi, and Texas. Upset by the failure of authorities to collect profits from lessees of convict labor, the people of Mississippi adopted a constitutional provision to end all contracts by 1895. Prison officials then purchased the 15,000-acre Parchman Farm, which served for many at the time as a model for southern penology.

**WESTERN PENOLOGY**

Settlement in the West did not take off until the California gold rush of 1849; only during the latter part of the 19th century did most western states entered the Union. Except in California, the prison ideologies of the East did not greatly influence penology in the West. Prior to statehood, prisoners were held in territorial facilities or in federal military posts and prisons. Until Congress passed the Anticontract Law of 1887, restricting the employment of federal prisoners, leasing programs were used extensively in California, Montana, Oregon, and Wyoming. In their eagerness to become states, some of the last of the territories included anticontract provisions in their new state constitutions.

In 1850 California became the first western state to be admitted to the Union. The old Spanish jails had become inadequate during the time of the gold rush and, “following frontier traditions,” the care of convicts was placed in the hands of a lessee. In 1852 the lessee chose Point San Quentin, a spit of land surrounded by water on three sides: Using convict labor, the lessee built two prison buildings. In 1858, when San Quentin became

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**DO THE RIGHT THING**

*It is 1887. As a legislator you must vote on a bill to extend or end the prisoner leasing contract between the Natchez Coal and Mining Company and the State of Mississippi. You know that the contract brings money into the state treasury and relieves the prison system of housing, feeding, and guarding the more than 800 prisoners who are leased to the mining company. But you also know that the working conditions are horrendous and the death rate of the prisoners is high. Tales of beating of prisoners by the guards have become a major issue in the state, and journalists have uncovered corruption in the decision to award the contract to the company.*

Should you vote to extend the leasing contract? What facts might influence you to vote one way or the other?
overcrowded and reports of deaths, escapes, and the brutal discipline of the guards came to public attention, the state took over the facility. The Oregon territory had erected a log prison structure in the 1850s, but with rumors of official corruption, it was soon leased to a private company. On joining the Union in 1859, the state discontinued the lease system. In 1866, the legislature decided to build a prison in Salem on the Auburn plan. It was completed in 1877. Yet, with labor difficulties and an economic depression in the 1890s, responsibility for the prison was again turned over to a lessee in 1895.

Unfortunately, ways in which reforms are implemented often do not match the high ideals of social activists. Legislators and governors may be willing to support the espoused goals of change, but putting the ideals into practice requires leadership, money, public support, and innovative administrators. Thus, soon after a given innovation, correctional facilities become overcrowded, discipline wanes, programs are abandoned, and charges of official misconduct erupt. The subsequent investigation typically recommends changes that may or may not be implemented—and the cycle continues.

By the mid-1800s, reformers had become disillusioned with the penitentiary. Neither the New York nor the Pennsylvania systems nor any of their imitators had achieved rehabilitation or deterrence. This failure was seen as resulting from poor administration rather than from weakness of the basic concept. Within 40 years of being built, penitentiaries had become overcrowded, understaffed, and minimally financed. Discipline was lax, brutality was common, and administrators were viewed as corrupt. For example, at Sing Sing in 1870, investigators discovered that “dealers were publicly supplying prisoners with almost anything they could pay for” and that convicts were “playing all sorts of games, reading, scheming, trafficking.” This reality was a far cry from the vision of John Howard and Benjamin Rush.

In 1865 the New York Prison Association commissioned Enoch Cobb Wines and Theodore Dwight to undertake a nationwide survey of prisons. After visiting 18 prisons and houses of correction, they published their Report on the Prisons and Reformatories of the United States and Canada in 1867. None of the prisons they visited viewed reformation of its inmates as a primary goal or deployed resources to further reform. Inadequacies in the physical plants, lack of staff training, and poor administrative practices were in evidence. However, the researchers were most upset by the extent to which corporal punishment was used for discipline. The report emphasized that prisons should prepare inmates for release by allowing them to “advance toward freedom by moving through progressively liberal stages of discipline.”

Across the Atlantic, a controversy that directly influenced American corrections developed. In England, Alexander Maconochie urged the mark system of graduated terms of confinement. Penalties would be graded according to the severity of the crime, and offenders would be released from incarceration according to their performance. A certain number of marks would be given at sentencing, and prisoners could reduce the number by voluntary labor, participating in educational and religious programs, and good behavior. Maconochie thus argued for sentences of indeterminate length and a system of rewards. Through these incentives, offenders would be reformed so that they could return to society.

Maconochie’s ideas were not implemented in England. However, in Ireland in 1854 Sir Walter Crofton adopted practices similar to the mark system that came to be known as the Irish or intermediate system. On conviction, prisoners spent a period in solitary confinement and then were sent to public work prisons where they could earn marks.
When they had enough marks, they were transferred to the intermediate stage, or what today might be called a halfway house. The final test was a ticket-of-leave, a conditional release that was the precursor of the modern parole system. Again, theory and practice bridged the continents as Maconochie’s and Crofton’s ideas traveled across the Atlantic.

CINCINNATI, 1870

By 1870 a new generation of American penal reformers had arisen. Among them were Gaylord Hubbell, warden of Sing Sing, who had observed the Irish system in operation; Enoch C. Wines, secretary of the New York Prison Association; Franklin Sanborn, secretary of the Massachusetts State Board of Charities; and Zebulon Brockway, head of Detroit’s Michigan House of Correction. Like the Quakers, these penologists were motivated by humanitarian concerns, but they also understood how prisons operated.

The National Prison Association (predecessor of the American Correctional Association) and its 1870 meeting in Cincinnati embodied the new spirit of reform. In its famous Declaration of Principles, the association advocated a new design for penology: that prison operations should stem from a philosophy of inmate change, with reformation rewarded by release. Sentences of indeterminate length would replace fixed sentences, and proof of reformation, rather than mere lapse of time, would be a requirement for a prisoner’s release. Classification of prisoners on the basis of character and improvement would encourage the reformation program. Penitentiary practices that had evolved during the first half of the 19th century—fixed sentences, the lockstep, rules of silence, and isolation—were now seen as debasing and humiliating, and as destroying inmates’ initiative.

Given the leadership roles of clergy in the National Prison Association, it is not surprising that, like the activists who had promoted the penitentiary in the 1830s, those gathered at Cincinnati still saw crime as a sort of moral disease that should be treated by efforts at moral regeneration.

Like the Quakers before them, the 1870 reformers looked to institutional life as the way to effect rehabilitation. Inmates would be made into well-adjusted citizens, but the process would take place behind walls. The Cincinnati Declaration could thus in good faith insist that “reformation is a work of time; and a benevolent regard to the good of the criminal himself, as well as to the protection of society, requires that his sentence be long enough for the reformatory process to take effect.”

ELMIRA REFORMATORY

The first reformatory took shape in 1876 at Elmira, New York, when Zebulon Brockway was appointed superintendent. Brockway believed that diagnosis and treatment were the keys to reform and rehabilitation. He questioned each new inmate to explore the social, biological, psychological, and "root causes" of the offender’s deviance. An individualized work and education treatment program was then prescribed. Inmates adhered to a rigid schedule of work during the day, followed by courses in academic, vocational, and moral subjects during the evening. Inmates who did well achieved early release.

Designed for first-time felons between the ages of 16 and 30, the approach at Elmira incorporated a mark system of classification, indeterminate sentences, and parole. Once the courts had committed an offender to Elmira, the administrators could determine the release date; the only restriction was that the time served could not exceed the maximum prescribed by law for the particular offense.

The indeterminate sentence was linked to a three-grade system of classification. Each offender entered the institution at grade 2, and if the inmate earned nine marks a month for six months by working hard, completing school assignments, and causing
no problems, he could be moved up to grade 1, which was necessary for release. If he failed to cooperate and violated rules of conduct, thus showing poor self-control and an indifference to progress, he would be demoted to grade 3. Only after three months of satisfactory behavior could he reembark on the path toward eventual release.31 In sum, this system placed “the prisoner’s fate, as far as possible, in his own hands.”32

Elmira’s proclaimed success at reforming young felons was widely heralded, and over the next several decades its program was emulated in 20 states. Brockway’s annual reports claimed that 81 percent of inmates released from Elmira underwent “probable reformation.” An article that appeared in the Journal of the American Social Science Association, “How Far May We Abolish Prisons?” echoed this optimism. The author’s answer to the title question was “to the degree that we put men into reformatories like Elmira, for it reforms more than 80 percent of those who are sent there.”33 Brockway even weathered an 1893 state investigation into charges of brutality at Elmira, which revealed that the whip and solitary confinement were used there regularly. However, in 1900 he was forced to resign in the face of mounting criticism of his administration.

By 1900, the reformatory movement had spread throughout much of the nation, yet by the outbreak of World War I in 1914, it was already declining. In most institutions, the architecture, the attitudes of the guards, and the emphasis on discipline differed little from past orientations. Too often, the educational and rehabilitative efforts took a back seat to the traditional emphasis on punishment. Even Brockway admitted that it was difficult to distinguish between inmates whose attitudes had changed and those who merely lived by prison rules. Being a good prisoner became the way to win parole, but this did not mean that the prisoner had truly changed.

LASTING REFORMS

Although the ideals of Wines, Brockway, and the other leaders of the reformatory movement were not realized, these men made several major contributions to American corrections. The indeterminate sentence, inmate classification, rehabilitative programs, and parole first developed at Elmira. The Cincinnati Declaration of Principles set goals
that inspired prison reformers well into the 20th century. Still more changes were to come before that, however. In the mid-19th century, the United States entered a period of significant social change. The nation faced problems arising from two new demographic changes: the gradual shift of the population from the countryside to the cities and the influx of immigrants. Thus the stage was set for progressive reforms.

THE RISE OF THE PROGRESSIVES

The first two decades of the 1900s, called the Age of Reform, set the dominant tone for U.S. social thought and political action until the 1960s. Industrialization, urbanization, technological change, and scientific advancements had revolutionized the American landscape. A group known as the Progressives attacked the excesses of this emergent society, especially those of big business, and placed their faith in state action to deal with the social problems of slums, adulterated food, dangerous occupational conditions, vice, and crime.

The Progressives, most of whom came from upper-status backgrounds, were optimistic about the possibility of solving the problems of modern society. Focusing in particular on conditions in cities, which had large immigrant populations, they believed that civic-minded people could apply the findings of science to social problems, including penology, in ways that would benefit all. Specifically, they believed that society could rehabilitate criminals through individualized treatment.

INDIVIDUALIZED TREATMENT AND THE POSITIVIST SCHOOL

The scholar David Rothman uses two words to epitomize the Progressive programs: conscience and convenience. The reforms were promoted by benevolent and philanthropic men and women who sought to understand and cure crime through a case-by-case approach. They believed that the reformers of the penitentiary era were wrong in assuming that all deviants were “victims of social disorder” and that the deviants “could all be rehabilitated with a single program, the well-ordered routine” of the prison.

The Progressives thought it necessary to know the life history of each offender and then devise a treatment program specific to that individual. This meant that correctional administrators would need the discretion to diagnose each criminal, prescribe treatment, and schedule release to the community. From this orientation, the phrase “treatment according to the needs of the offender” came into vogue, in contrast to “punishment according to the severity of the crime,” which had been the hallmark of Beccaria and the reformers of the early 1800s.

Rothman argues that because discretion was required for the day-to-day practice of the new penology, correctional administrators responded favorably to it. The new discretionary authority made it easier for administrators to carry out their daily assignments. He also notes that those Progressives committed to incarceration were instrumental in promoting probation and parole, but supporters of the penitentiary used the requirement of discretion to expand the size of the prison population.

The Progressives had faith that the state would carry out their reforms with justice. In the same way that they looked to government programs to secure social justice, they assumed that the agents of the state would help offenders. Rothman notes,

*In criminal justice, the issue was not how to protect the offender from the arbitrariness of the state, but how to bring the state more effectively to the aid of the offender.*
The state was not a behemoth to be chained and fettered, but an agent capable of fulfilling an ambitious program. Thus, a policy that called for the state’s exercise of discretionary authority in finely tuned responses was, at its core, Progressive.36

As members of the positivist school, the Progressives looked to social, economic, biological, and psychological rather than religious or moral explanations for the causes of crime, and they applied modern scientific methods to determine the best treatment therapies. Recall that the classical school of Beccaria and Bentham had emphasized a legal approach to the problem, focusing on the act rather than the criminal. In contrast, the scientific positivist school shifted the focus from the criminal act to the offender. By the beginning of the 20th century, advances in the biological and social sciences provided the framework for the reforms proposed by the Progressives.

Although the positivist school comprised several theoretical perspectives, most of its practitioners shared three basic assumptions:

1. Criminal behavior is not the result of free will but stems from factors over which the individual has no control: biological characteristics, psychological maladjustments, and sociological conditions.
2. Criminals can be treated so that they can lead crime-free lives.
3. Treatment must center on the individual and the individual’s problem.

PROGRESSIVE REFORMS

Armed with their views about the nature of criminal behavior and the need for state action to reform offenders, the Progressives fought for changes in correctional methods. They pursued two main strategies: (1) improve conditions in social environments that seemed to be breeding grounds for crime and (2) rehabilitate individual offenders. Because they saw crime as primarily an urban problem, concentrated especially among the immigrant lower class, the Progressives sought through political action to bring about changes that would improve ghetto conditions: better public health, landlord-tenant laws, public housing, playgrounds, settlement houses, education. However, because they also believed that criminal behavior varied among individuals, a case-by-case approach was required.37

By the 1920s, the Progressives had succeeded in gaining wide acceptance of four portions of their program: probation, indeterminate sentences, parole, and juvenile courts. These elements had been proposed at the 1870 Cincinnati meeting, but the Progressives and their allies in corrections implemented them throughout the country.

PROBATION • Probation originated in the work of John Augustus in the Boston Police Court in 1841 (see Chapter 8). This alternative to incarceration fitted nicely into the Progressive scheme, for it recognized individual differences and allowed offenders to be treated in the community under supervision. Although Massachusetts passed a probation law in 1878, no other state took the step until 1897, and in 1900 only six states provided for probation. But by 1920 every state permitted probation for juveniles, and 33 states permitted it for adults. By 1930 the federal government and 36 states, including every industrialized state, had adult probation laws on their books. However, probation remained primarily an urban strategy; it never took root in rural or small-town America. The reason may have to do with the cost effectiveness of the approach in areas where populations are scattered, or perhaps it reflects a different mind-set among rural people.

In urban areas, problems with staffing, caseload size, and the quality of supervision caused probation to fall short of expectations. Almost no jurisdiction met the 50:1 ratio of clients to supervisors then advocated by penologists. Perhaps more important, probation officers faced an almost impossible task: With very little scientifically based theory to

**positivist school**

An approach to criminology and other social sciences based on the assumption that human behavior is a product of biological, economic, psychological, and social factors, and that the scientific method can be applied to ascertain the causes of individual behavior.
guide their actions, they needed to keep their charges crime-free. What passed as ways to reform probationers often turned out to be little more than attempts to indoctrinate them with middle-class moral injunctions—work, go to church, keep clean, get ahead, be good—attitudes not consistent with real life in city slums. In addition, politicians sometimes attacked probation as “coddling” criminals. Nevertheless, the system prevailed, in part because it was useful for inducing the guilty plea, then thought necessary to relieve overcrowded courts.38

**INDETERMINATE SENTENCES AND PAROLE**

Although the idea of parole release had been developed in Ireland and Australia in the 1850s, and Zebulon Brockway had instituted it at Elmira in 1876, not until the mid-1920s did it really catch on in the United States. By then, 37 states had indeterminate sentencing laws, and 44 provided for release on parole. Fixed sentences were retained for lesser offenses, but during this period more than three-quarters of convicted offenders whose maximum terms exceeded five years were serving indeterminate sentences.

Although the sentences were called “indeterminate,” state legislatures nearly always set a minimum and maximum term, within which the correctional process of rehabilitation could operate. At no time were politicians willing to give correctional officials unbridled authority to decide when (or if) a prisoner could be released. Yet in response to public outcries over crime, legislators tended to increase the maximum penalties, thus giving wider discretion to parole decision makers.

Like probation, parole expanded greatly during the Progressive period. By the mid-1920s, well over 80 percent of felons sentenced in the major industrialized states left prison via parole. What once had been a way to release deserving offenders in a few reformatories became the means by which the overwhelming majority of inmates returned to the community. As parole expanded, so did public criticism of it, especially when newspapers reported that a particularly heinous crime had been committed by someone released from prison under supervision.39 Studies conducted in the 1920s and 1930s showed that recidivism was high among parolees and that the purported “diagnostic evaluation” by a parole board usually embodied little more than speculation based on the prejudices of its members.

Although the reforms of the Progressives were much criticized, probation, indeterminate sentences, and parole remain dominant elements of corrections to this day. Perhaps, as Rothman suggests, this is because they provide authority to criminal justice officials and affirm the vitality of the rehabilitative idea.40 However, these three crucial reforms provided the structure for yet another change in corrections.
Even before psychiatry began to influence U.S. society, the idea that criminals are mentally ill was popular in correctional circles. At the 1870 Cincinnati congress, one speaker described a criminal as

*a man who has suffered under a disease evinced by the perpetration of a crime, and who may reasonably be held to be under the dominion of such disease until his conduct has afforded very strong presumption not only that he is free from its immediate influence, but that the chances of its recurrence have become exceedingly remote.*

Certainly much Progressive reform was based on the idea that criminals could be rehabilitated through treatment, but not until the 1930s were serious attempts made to implement what became known as the medical model of corrections. Under the banner of the newly prestigious social and behavioral sciences, the emphasis of corrections shifted to treating criminals as people whose social, psychological, or biological deficiencies had caused them to engage in illegal activity.

One of the early proponents of the medical model was **Howard Gill**, who became the superintendent of the Norfolk State Prison Colony, Massachusetts, in 1927. Gill tried to create a “community” of inmates within secured walls. He helped design Norfolk in the style of a college campus, staffed not only with guards but also with professionals who provided treatment programs: educators, psychiatrists, and social workers. Inmates wore ordinary clothing, not prison garb, and participated with staff on advisory councils dealing with matters of community governance. During the Depression, Gill's policies came under increasing fire. An escape by four inmates triggered a backlash that led to his removal in 1934. Gill continued his progressive reform work through several prison-related posts in the federal government until he entered academia in 1947.

The concept of rehabilitation as the primary purpose of incarceration took on national legitimacy in 1929, when Congress authorized the new Federal Bureau of Prisons to develop institutions that would ensure the proper classification, care, and treatment of offenders. **Sanford Bates**, the first director of the bureau, had served as the president of the American Correctional Association and promoted the new medical model.

The 1950s came to be known as the Era of Treatment as many states, particularly California, Illinois, New Jersey, and New York, fell in line with programs designed to reform prisoners. Most other states, as well as political leaders everywhere, adopted at least the rhetoric of rehabilitation, changing statutes to specify that treatment was the goal of their corrections system and that punishment was an outdated concept. Prisons were thus to become something like mental hospitals that would rehabilitate and test the inmate for readiness to reenter society. In many states, however, the medical model was adopted in name only: Departments of prisons became departments of corrections, but the budgets for treatment programs remained about the same.

That corrections moved in the direction of a medical model when it did is not surprising. In the 1920s, the field of social work had gained intellectual legitimacy and professional status; its practitioners were no longer viewed as merely deliverers of charity to the poor. Through the casework approach, social workers attempted to diagnose and help the unfortunate. Psychology also had developed new ways of measuring mental fitness and assessing personality. The theories of Sigmund Freud and Carl Jung dominated American psychiatry, and these approaches began to take their place alongside biological explanations for illness. Advocates of the medical model sought to bring about change through treatment programs, most often with a psychological base. As the psychiatrist Karl Menninger observed, criminal acts are "signals of distress, signals of failure . . . the spasms of struggles and convulsions of a submarginal human being trying to make it in our complex society with inadequate equipment and inadequate preparation.”
Because the essential structural elements of parole, probation, and the indeterminate sentence were already in place in most states, incorporating the medical model required only adding classification systems to diagnose offenders, as well as treatment programs to cure them.

Recognizing that the prison environment would influence the effectiveness of treatment, supporters of the medical model argued for developing different types of institutions for different types of offenders. Advocates envisioned institutions not only having differing levels of security but also being devoted primarily to vocational training, agricultural work, or psychiatric care. Classification thus became the crucial first step in treatment; the individual was to be differentiated from the masses, and a program of educational, medical, and psychological care prescribed.

Initially the number of psychiatrists and therapeutic treatment programs was limited, but it increased sharply after World War II. Group therapy, behavior modification, shock therapy, individual counseling, psychotherapy, guided group interaction, and many other approaches all became part of the “new penology.” Competing schools of psychological thought debated the usefulness of these techniques, many of which were adopted or discarded before their worth had been evaluated. However, the administrative needs of the institution often superseded the treatment needs of the inmate: Prisoners tended to be assigned to the facilities, jobs, and programs that had openings rather than to those that would provide the prescribed treatment.

California adopted the medical model more thoroughly than any other state did. In 1944 Governor Earl Warren recruited Richard McGee, formerly the warden at Rikers Island (New York) and commissioner of corrections for the state of Washington. Warren also authorized the construction of specialized prisons and creation of the California Adult Authority. Felony offenders received indeterminate sentences, the lengths of which were determined by the nine members of the Authority; these nine had almost complete power to classify, distribute, and treat prisoners, and ultimately determine their release. California developed a full range of treatment programs, including psychotherapy and group therapy. By the 1970s, many California prisons were in turmoil, the value of treatment programs had come into question, and disparities in the release decisions of the Adult Authority had begun to be questioned. Not surprisingly, California became one of the first states to move toward determinate sentencing and away from the medical model.

Maryland's Patuxent Institution, which opened in 1955, is probably the best example of a prison built according to the principles of the medical model. Patuxent was founded to treat adults given indeterminate sentences and judged to be “defective delinquents.” Its administrators had broad authority to control intake, to experiment with a treatment milieu, and to decide when to release “patients.” Throughout the period of incarceration, a patient was diagnosed and treated through a variety of programs and therapies.

Critics of treatment programs in American prisons pointed out that even during the 1950s, when the medical model reached its zenith, only 5 percent of state correctional budgets were allocated for rehabilitation. Although states adopted...
As we have seen, social and political values greatly influence correctional thought and practices. During the 1960s and 1970s, U.S. society experienced the civil rights movement, the war on poverty, and resistance to the Vietnam War. Americans also challenged government institutions dealing with education, mental health, juvenile delinquency, and adult corrections. In 1967, the President’s Commission on Law Enforcement and Administration of Justice reported,

> Crime and delinquency are symptoms of failures and disorganization of the community. . . . The task of corrections, therefore, includes building or rebuilding social ties, obtaining employment and education, securing in the larger senses a place for the offender in the routine functioning of society.\(^{45}\)

This analysis was consistent with the views of community corrections advocates, who felt that the goal of the criminal justice system should be the reintegration of offenders into the community.

The inmate riot and hostage taking at New York State’s Attica Correctional Facility aided the move toward community corrections. On the morning of September 13, 1971, after four days of negotiations, a helicopter began dropping CS gas (an incapacitating agent) on the inmates milling around in the prison yard. After the gas came a rain of bullets from state police guns, which hit 128 men and killed 29 inmates and 10 hostages. With the exception of the massacres of Native Americans in the late 19th century, it was the “bloodiest one-day encounter between Americans since the Civil War.”\(^{46}\) For many, the hostilities at Attica showed prisons to be counterproductive and unjust. They urged officials to make decarceration through community corrections the goal and pressed greater use of alternatives to incarceration such as probation, halfway houses, and community service.

Community corrections called for a radical departure from the medical model’s emphasis on treatment in prison. Instead, prisons were to be avoided because they were artificial institutions that interfered with the offender’s ability to develop a crime-free lifestyle. Proponents argued that corrections should turn away from psychological treatment in favor of programs that would increase offenders’ opportunities to become successful citizens. Probation would be the sentence of choice for nonviolent offenders so that they could engage in vocational and educational programs that increased their chances of adjusting to society. For the small portion of offenders who had to be incarcerated, time in prison would be only a short interval until release on parole. To further the goal of reintegration, correctional workers would serve as advocates for offenders as they dealt with government agencies, providing employment counseling, medical treatment, and financial assistance.

The reintegration idea prevailed in corrections for about a decade until the late 1970s, when it gave way to a new punitiveness in criminal justice in conjunction with the rebirth of the determinate sentence. Advocates of reintegration claim, as did advocates of previous reforms, that the idea was never adequately tested. Nevertheless, community corrections remains a significant idea and practice in the recent history of corrections.
Beginning in the late 1960s, the public became concerned about rising crime rates. At the same time, studies of treatment programs challenged their worth and the Progressive assumption that state officials would exercise discretion in a positive way. Critics of rehabilitation attacked the indeterminate sentence and parole, urging that treatment be available on a voluntary basis but that it not be tied to release. In addition, proponents of increased crime control called for longer sentences, especially for career criminals and violent offenders.

**THE DECLINE OF REHABILITATION**

According to critics of rehabilitation, its reportedly high recidivism rates prove its ineffectiveness. Probably the most thorough analysis of research data from treatment programs was undertaken by Robert Martinson for the New York State Governor’s Special Committee on Criminal Offenders. Using rigorous standards, he surveyed 231 English-language studies of rehabilitation programs in corrections systems. They included such standard rehabilitative programs as educational and vocational training, individual counseling, group counseling, milieu therapy, medical treatment (plastic surgery, drugs), parole, and supervision. Martinson summarized his findings by saying, “With few and isolated exceptions, the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism.”

Critics of the rehabilitation model have also challenged as unwarranted the amount of discretion given to correctional decision makers to tailor the criminal sanction to the needs of each offender. In particular, they have argued that the discretion given to parole boards to release offenders is misplaced, because board decisions are more often based on the whims of individual members than on the scientific criteria espoused by the medical model.

**THE EMERGENCE OF CRIME CONTROL**

As the political climate changed in the 1970s and 1980s, and with the crime rate at historic levels, legislators, judges, and officials responded with a renewed emphasis on a **crime control model of corrections**. By 1980 the problem of crime and punishment had become an intense subject for ideological conflict, partisan politics, and legislative action.

The critique of the rehabilitation model led to changes in the sentencing structures of more than half of the states and to the abolition of parole release in many. The new determinate sentencing laws were designed to incarcerate offenders for longer periods. In conjunction with other forms of punishment, the thrust of the 1980s centered on crime control through incarceration and risk containment.

The punitive ethos of the 1980s and 1990s appeared in the emphasis on dealing more strictly with violent offenders, drug dealers, and career criminals. It was also reflected in the trend toward intensive supervision of probationers, the detention without bail of accused people thought to present a danger to the community, reinstitution of the death penalty in 37 states, and the requirement that judges impose mandatory penalties for people convicted of certain offenses or having extensive criminal records. By the end of the century, the effect of these “get-tough” policies showed in the record numbers of prisoners, the longer sentences being served, and the size of the probation population. Some observers point to these policies as the reason why the crime rate has begun to fall. Others ask whether the crime control policies have really made a difference, given demographic and other changes in the United States. **Table 3.2**, which traces the history of correctional thought and practices in the United States, highlights the continual shifts in focus.
Table 3.2 History of Corrections in America

Note the extent to which correctional policies have shifted from one era to the next and how they have been influenced by various societal factors.

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<td><strong>Features</strong></td>
<td>Anglican Code</td>
<td>Separate confinement</td>
<td>Indeterminate sentences</td>
<td>Individual case approach</td>
<td>Rehabilitation as primary focus of incarceration</td>
<td>Reintegration into community</td>
<td>Determinate sentences</td>
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<td>Capital and corporal punishment, fines</td>
<td>Reform of individual</td>
<td>Parole</td>
<td>Administrative discretion</td>
<td>Psychological testing and classification</td>
<td>Avoidance of incarceration</td>
<td>Mandatory sentences</td>
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<td>Power of isolation and labor</td>
<td>Classification by degree of individual reform</td>
<td>Broader probation and parole</td>
<td>Various types of treatment programs and institutions</td>
<td>Vocational and educational programs</td>
<td>Sentencing guidelines Risk management</td>
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<td>Penance</td>
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<td>Disciplined routine</td>
<td>Separate treatment for juveniles</td>
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<td><strong>Philosophical basis</strong></td>
<td>Enlightenment Declaration of Independence</td>
<td>Human perfectability and powers of reason</td>
<td>Crime as moral disease</td>
<td>The Age of Reform</td>
<td>Biomedical science</td>
<td>Civil rights movement</td>
<td>Crime control</td>
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<td>Religious penitence</td>
<td>Criminals as &quot;victims of social disorder&quot;</td>
<td>Positivist school</td>
<td>Psychiatry and psychology</td>
<td>Critique of prisons</td>
<td>Rising crime rates</td>
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<td>Power of reformation</td>
<td>Focus on the act</td>
<td>Punishment according to needs of offender</td>
<td>Social work practice</td>
<td>Small is better</td>
<td>Political shift to the right</td>
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<td>Focus on the act</td>
<td>Healing power of suffering</td>
<td>Focus on the offender</td>
<td>Crime as signal of personal &quot;distress&quot; or &quot;failure&quot;</td>
<td>Crime control</td>
<td>New punitive agenda</td>
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Updated by Cengage Learning
During this first decade of the 21st century, the time may be ripe for another look at correctional policy. The language now used in journals of corrections differs markedly from that found on their pages 30 years ago. The optimism that once suffused corrections has waned. For the first time in three decades, the financial and human costs of the retributive crime control policies of the 1990s are now being scrutinized. With budget deficits in the billions, states are facing the fact that incarceration is expensive. Are the costs of incarceration and surveillance justified? Has crime been reduced because of correctional policies? Are we safer today than before?

Michael Tonry and Joan Petersilia make the important point that during the past quarter century federal and state lawmakers have enacted policies based on the propositions about the crime-preventive effects of harsher and more certain punishment. The validity of these propositions, they argue, is the fundamental question still to be answered. What does the experience of contemporary crime control policies indicate about the future of corrections in the United States?

### SUMMARY

- Social change is brought about by diverse elements in society that place questions on the political agenda, lobby for new policies, and urge an end to existing practices.
- The history of correctional thought and practice has been marked by enthusiasm for new approaches, disillusionment with these approaches, and then substitution of yet other tactics.
- During the colonial period, corrections followed the laws and practices transferred from England.
- The penitentiary ideal, first incorporated in Pennsylvania, emphasized the concept of separate confinement.
- In the New York (Auburn)Congregate System, inmates were held in isolation but worked together during the day under a rule of silence.
- Corrections in the South and West developed differently than in the Northeast. The South placed a greater emphasis on inmate labor through lease systems. In the West, where the population was sparse, the leasing of convict labor was also a feature of the system during the 19th century.
- The reformatory, developed during the latter part of the 19th century, was an institution for young offenders that emphasized training, a mark system of classification, indeterminate sentences, and parole.
- The Progressives looked to social, economic, biological, and psychological rather than religious or moral explanations for the causes of crime.
- The reforms of the Progressives led to the development of probation, indeterminate sentences, treatment programs, and parole.
- Beginning in the 1930s greater emphasis was placed on the treatment of offenders. This gave rise to the medical model of corrections.
- During the 1960s and 1970s, dissatisfaction with the medical model led to the development of community corrections. Prisons were to be avoided whenever possible and offenders would receive opportunities for success in the community.
- The rise of crime in the late 1960s brought pressure to shift to a crime control model of corrections, with greater use of incarceration and other forms of strict supervision.

### KEY TERMS

- Bates, Sanford (56)
- Brockway, Zebulon (51)
- community corrections (58)
- Congregate System (46)
- contract labor system (46)
- crime control model of corrections (59)
- Gill, Howard (56)
- lease system (49)
- Lynds, Elam (45)
- mark system (50)
- medical model (56)
- penitentiary (43)
- Penn, William (42)
- positivist school (54)
- reformatory (51)
- Rush, Benjamin (44)
- separate confinement (45)
- Wines, Enoch Cobb (50)
FOR DISCUSSION

1. Why do you think the idea of the penitentiary first caught on in the United States?
2. The prison has engendered a continuing fascination in U.S. culture. What other methods might the general public find acceptable as ways to punish offenders?
3. How do you think offenders will be punished in the United States in the future? What philosophical and technical developments would buttress the approaches you foresee?
4. We seem to be constantly driven by images of a “crime-free society.” As a result, we adopt drastic solutions as though being crime-free is possible. Is it?

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Go to the American Corrections 8e Book Companion Website: http://www.thomsonedu.com/criminaljustice/clear for quick, easy access to all of the free and exciting resources available with this text, including the web links found in the text’s margins, chapter reviews, additional quizzing, Internet activities, flash cards, review games, and more.

FOR FURTHER READING

Christianson, Scott, With Liberty for Some. Boston: Northeastern University Press, 1998. Examines the paradox of a country that prides itself as the citadel of individual liberty, yet has maintained five centuries of imprisonment.


NOTES

13. Teeters and Shearer, Prison at Philadelphia’s Cherry Hill, ch. 4.
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23. McKelvey, American Prisons, 229.


25. McKelvey, American Prisons, 228–33.


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29. Rothman, Conscience and Convenience, 70.


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36. Ibid., 60.

37. Ibid., 53.

38. Ibid., 99.


