



PART I

The Foundation of Corrections

Chapter 1: Corrections and Its Place in the Criminal Justice System

Chapter 2: The Philosophy and History of Corrections

Chapter 3: The Law and Corrections



“More than ever before, the criminal justice system—despite its decentralized and multifaceted structure—follows sound organizational principles to successfully coordinate with offenders, victims, their families, and the social/human service agencies that provide services to them.”¹, p. 1098

Corrections and Its Place in the Criminal Justice System

OBJECTIVES

- Understand the role of corrections in the criminal justice system and its relationship to police and courts.
- Examine the sociological and societal implications of the correctional system in American society and culture.
- Recognize the different sentences and sanctions that comprise the correctional system.
- Identify the offender-based characteristics that are used to determine placement in the correctional system.
- Compare community corrections and institutional corrections and understand examples of each.
- Learn the statistical profile of the correctional system, correctional populations, and collateral issues raised by corrections.
- Explore the federal criminal justice system and its role in American corrections.

FEATURES

Corrections Focus: Tracking Prisoners

Corrections Focus: The Federal Criminal Justice System

Corrections Research: Drug Use and Sexually Transmitted Infections in Prison

WRAP UP

Chapter Summary

Key Terms

Critical Thinking Questions

Notes

“Under current conditions, probation and parole are probably best thought of as legal statuses allowing swifter incarceration or re-incarceration when fresh offenses are detected rather than as programs with independent incapacitative or rehabilitative effects.”², p. 1917

Overview of the Correctional System

The criminal justice system comprises three broad areas. First, the **police**, also known as law enforcement, respond to citizen complaints, provide basic services, such as traffic control, enforce the criminal law, and in doing so, initiate criminal cases. To be blunt, the police catch the bad guys. The police are the first line in the investigative process that creates a criminal complaint against a suspect or **defendant**—the person accused of a criminal violation. As shown in **FIGURE 1-1** and **FIGURE 1-2**, the police are aware of only a fraction of actual crimes because offenders, victims, or witnesses never notify them, and even fewer cases result in arrest. In this way, every time the police choose not to make an arrest, they filter or divert cases from the criminal justice system. Overall, less than half of crimes are reported to police.

The second component of the criminal justice system is the judicial system or **courts**. The courts, which are comprised of prosecutors, defense counsel, and judges, serve a variety of functions, foremost of which is to serve as a check and balance on the police. The primary judicial officer or

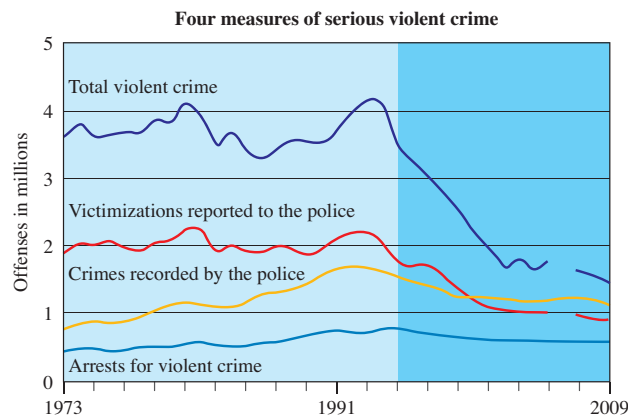


FIGURE 1-1 Estimates of Serious Violent Crime, 1973–2009. *Reproduced from:* Bureau of Justice Statistics. (2011). Four measures of serious violent crime. Retrieved July 1, 2011, from <http://bjs.ojp.usdoj.gov/content/glance/cv2.cfm>.

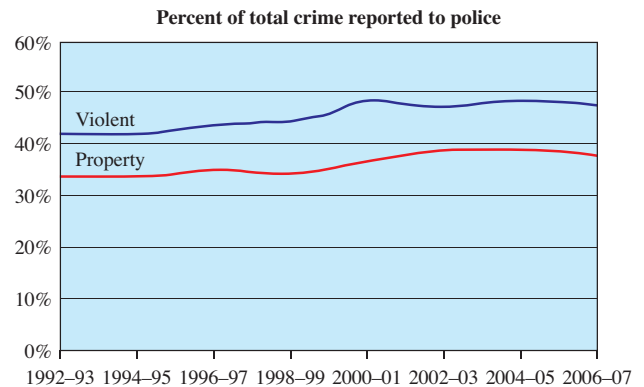


FIGURE 1-2 Trends in Total Crime Reported to Police. *Reproduced from:* Bureau of Justice Statistics. (2011). Percent of total crime reported to police. Retrieved July 1, 2011, from <http://bjs.ojp.usdoj.gov/content/glance/reportingtype.cfm>.

member of the courts is the prosecutor. Various known as the district attorney, county attorney, or state’s attorney, the prosecutor examines arrests to ensure that the arrests were lawful and compliant with the United States Constitution. Also, the prosecutor uses his or her **discretion**, the latitude to choose one course of action or another, to decide whether prosecuting a case would serve the interests of justice. Here there are many considerations, including the seriousness of the accused crime, the evidence, the witnesses and alleged victims, the criminal background of the defendant, possible political considerations, and others. Resource availability is another important consideration: Does the state have the time, money, and staff to prosecute a case originally brought by the police?

“Probation and parole, systems developed in the United States more by accident than by design, now threaten to become the tail that wagged the corrections’ dog.”³, p. 493

According to the most recent data, nearly 1.2 million felons are convicted in courts (see **FIGURE 1-3**). About 94 percent of these cases are decided at the state level with 6 percent decided at the federal level. Even among convicted felons, there is a great screening out of offenders from the criminal justice system. For instance, 30 percent of felons convicted in state courts are sentenced to probation and receive no jail or prison time whatsoever. As shown in **FIGURE 1-4**, convicted felons are sentenced to a variety of punishments, some in the community and some in institutions.⁴



Due to the sheer volume of crime, correctional systems use discretion to detain only the most serious and chronic offenders.

Terry Baumer reports how some jurisdictions attempted to control their lockup population through creation of a separate processing center designed to expedite initial processing of individuals charged with misdemeanors and minor

felonies. In the new center, cases were screened and initial hearings held around the clock, 7 days per week. Before and after samples of arrestees were compared on prosecutorial screening time, time to court, and time in custody, and Baumer

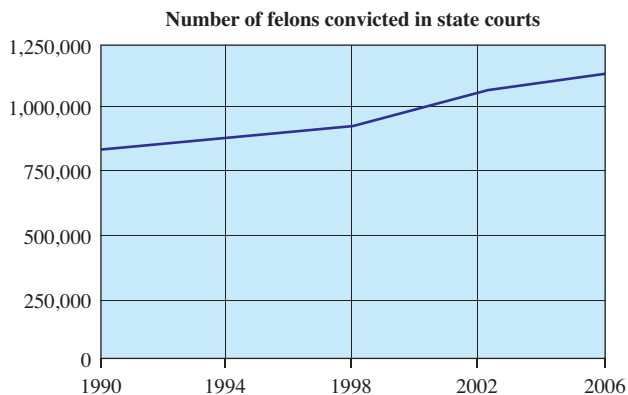


FIGURE 1-3 Trends in Felons Convicted in State Courts. *Reproduced from:* Bureau of Justice Statistics. (2011). Number of felons convicted in state courts. Retrieved July 1, 2011, from <http://bjs.ojp.usdoj.gov/content/glance/felconv.cfm>.

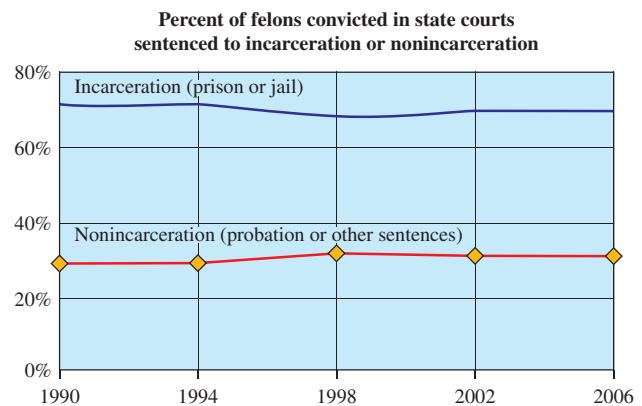


FIGURE 1-4 Trends in Sentence Outcomes. *Reproduced from:* Bureau of Justice Statistics. (2011). Percent of felons convicted in state courts sentenced to incarceration or nonincarceration. Retrieved July 1, 2011, from <http://bjs.ojp.usdoj.gov/content/glance/felpct.cfm>.

found significant reductions in case screening and length of time to initial court hearing. Individuals released on recognizance and those with no charges filed spent significantly less time in custody and saved considerable bed space for the jurisdiction. Individuals with bond set experienced no reductions in length of custody.⁵

“Imprisonment now rivals or overshadows the frequency of military service and college graduation for recent cohorts of African American men.”⁶, p. 164

The third component of the criminal justice system is corrections. **Corrections** or the correctional system is the collection of local, state, and federal agencies that supervise and treat criminal defendants. Although the correctional system is considered the final stage of the criminal justice process, there are important points to understand about the role of corrections in the criminal justice system. A schematic of the criminal justice system appears in **FIGURE 1-5**. The following points provide a guide to understand the role and purpose of corrections within the criminal justice system.

- The constitutionality of corrections is found in the **Eighth Amendment**, which states that “excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.” Implicit in this language is the application of corrections to the pretrial and post-trial or post-adjudication phases of the judicial process. In other words, *defendants are subject to correctional supervision both before and after they actually have been convicted.*
- The correctional system begins with the pretrial supervision of defendants on bond. **Pretrial supervision** is the correctional supervision of a defendant who has been arrested, booked, and bonded out of jail. Often, there are conditions of **bond**, the release from jail custody in exchange for collateral or recognizance whereby the defendant promises to appear for future court dates. Bond conditions can include no contact with alleged victims in the case, no possession of weapons, no driving, substance abuse monitoring, mental health treatment, and others. Bond conditions are monitored by pretrial service personnel who

are a component of probation departments in many jurisdictions.

- The correctional system also pertains to defendants after they have pleaded guilty or been found guilty, a stage known as **post-trial** or **post-adjudication**. Often, the conditions of bond are continued until the defendant is formally sentenced or receives a penalty of punishment from a judge upon conviction.
- Unlike law enforcement, which is basically limited to police, corrections is staffed by multiple and sometimes overlapping agencies. Criminal defendants can serve multiple correctional sentences or be under correctional supervision in different agencies at the same time. For instance, one could be on bond in one county, on probation in another, be awaiting sentencing in still another, and have new criminal charges.
- Correctional supervision occurs in both community and institutional settings. **Community corrections** refers to sanctions that allow criminal offenders to remain in the community as long as they abide by certain conditions, such as maintaining employment, participating in drug treatment, or undergoing psychological treatment. Community corrections are used in lieu of confinement and allow offenders to rehabilitate themselves with the opportunity afforded by the criminal justice system. **Institutional corrections**, such as jail and prison, use confinement or the physical removal from society as a means of supervision.
- After conviction, there are several sentences at the judges’ disposal commonly referred to as a **continuum of sanctions**, which is a range of sanctions or legal penalties that balance punishment, treatment, and supervision concerns with the seriousness of the offense and the offender’s criminal convictions. The rationale of the continuum of sanctions and the variety of sentences are discussed in the next section.

“In late twentieth-century America, prisons and jails have become the imposing physical embodiment of the nation’s crime control policy.”⁷, p. ix

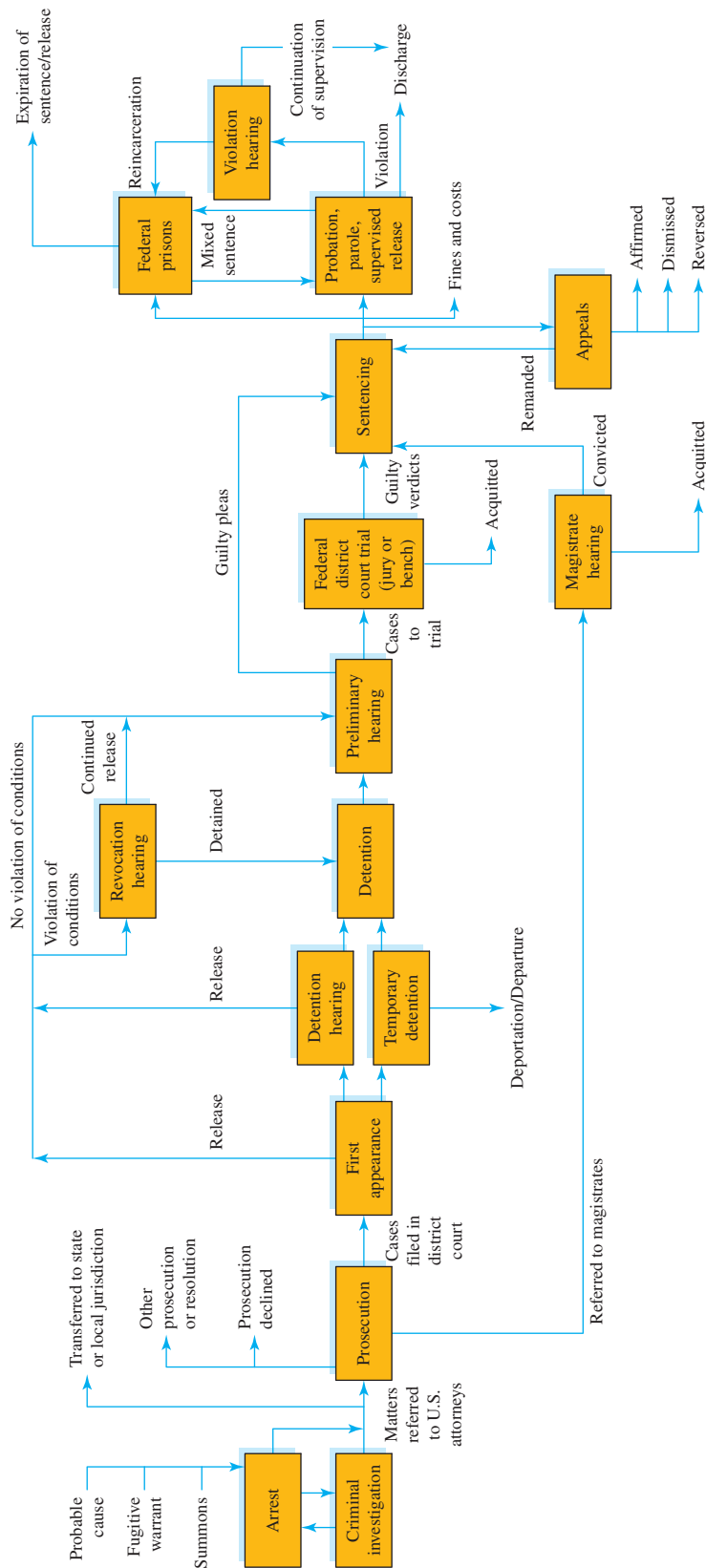


FIGURE 1-5 The Criminal Justice System. *Reproduced from: Smith, S. K., & Motivans, M. (2006). Compendium of federal justice statistics, 2004.* Washington, DC: U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

The Correctional System and American Society

For better or for worse, the correctional system is part of the fabric of American culture and society. Unfortunately, it is often the case that the correctional system is most newsworthy when there are mistakes made by correctional staff or other apparent evidence of system breakdown. These include prison escapes, correctional clients failing to comply with their parole or probation conditions, and persons convicted of sexually based offenses who fail to register with the proper authorities. For example, in April 2011, an inmate in the maximum-security forensic unit at the Utah State Hospital was accused of fatally strangling his roommate because the roommate allegedly snored.⁸

At a more fundamental level, however, the genuine threats to public safety that some correctional clients pose is the main reason that the correctional system finds its way into public discourse. For example, over a 9-month period spanning 2010 to 2011, 10 Colorado felony probationers were charged with murder or attempted murder despite being under state supervision. This raises legitimate concerns about the ability of the correctional system to adequately assess the risks posed by the various offenders under its supervision and the ability of the correctional system to effectively monitor them.⁹

Given the salience of public safety to community residents, it is often believed that the American public is extremely punitive and crime-control oriented especially compared to those in peer nations. Indeed, there is ample evidence that Americans are a punitive group who advocate tough correctional policies. But more recent and nuanced analyses indicate that Americans hold complex correctional views where punishments are viewed to be differentially appropriate depending on the severity of the offender. As noted by James Unnever and his colleagues, Americans are generally pragmatic in their assessments of the offender population and the most appropriate ways to respond to them in terms of balancing treatment and punishment.¹⁰ In a study of four Massachusetts communities, Andrea Leverentz found that when crime is framed as an abstract, general issue, people are more likely to view criminal offenders as others and espouse harsh correctional policies. But when crime problems are viewed in local or

specific terms, citizens tend to draw important distinctions between various types of offenders as being worthy or unworthy of treatment and punishment. Leverentz noted that few offenders were considered irredeemable and the public felt that most correctional clients deserved second chances to improve their lives.¹¹ These data from surveys and interviews with citizens are consistent with the overall objective risk assessment approach used by the correctional system.

The correctional system has become a sort of social institution in segments of American society, and this has important sociological and societal implications. In the most economically impoverished cities in the United States, there are neighborhoods with extremely high concentrations of active criminal offenders. These neighborhoods produce not only high levels of crime and victimization, but also high levels of police activity and, ultimately, correctional activity.¹² The removal and return of correctional clients to high-crime neighborhoods is an important issue and is explored at length in Chapter 12.

What are the consequences of living in areas where correctional status is so normative and routine? In a word, the consequences are disastrous. Children whose parents are or have been incarcerated suffer from an array of social, economic, emotional, and behavioral deficits. These include higher levels of family victimization, higher levels of delinquency, higher levels of delinquency among siblings, worse psychological functioning, increased and more severe behavior problems, greater overall family conflict, and greater family poverty.¹³ Bonnie Carlson and Michael Shafer found that children of incarcerated parents suffer from significantly higher rates of child abuse, trauma, and overall stressful life events. These early life deprivations create an array of personal problems that often persist as the children age into adolescence and adulthood.¹⁴

The disastrous consequences are not limited to children, however. Former and current correctional clients also experience a range of negative consequences stemming from their imprisonment and other correctional sentences. These include reduced job prospects, reduced earnings, ineligibility for educational loans, ineligibility for public assistance especially relating to housing, adverse mental and physical health, lower credit, civil disenfranchisement, and others. From a sociological perspective, the correctional system creates an

intended consequence of furthering poverty and social inequality in the United States. Given these dire costs, it is critical that the system accurately assess criminal defendants for their risks and needs to administer a sanction that both serves the interests of public safety and justice while avoiding being too tough to ruin the lives of offenders.¹⁵

The Continuum of Sanctions

Criminality and Risk

How do judges decide which penalty is most appropriate for a particular criminal defendant? Which sentence is best? Should the sentencing decision be standardized according to the crime for which the defendant was convicted? Alternately, should circumstances that seem to reduce the culpability of the offenders, known as **mitigating factors**, be used to impart leniency? Or, should circumstances that seem to increase the culpability of the offenders, known as **aggravating factors**, be used to impart a harsher sentence?

Several factors are used to determine which criminal cases enter the system and which cases continue on through conviction and punishment. Criminologists have investigated two types of variables that influence officer discretion: practitioner decision making and criminal justice outcomes. These are **legal variables**, such as offense severity, prior criminal record, and number of charges, and **extralegal variables**, such as demographic characteristics. Legal variables overwhelmingly explain more variation in criminal justice than extralegal variables, yet there is another important variable that is a combination of the legal and extralegal classifications: **criminality**. Criminality is the propensity towards antisocial behavior that a defendant embodies. Often, criminologists use assorted risk and protective factors as proxies of criminality. In this way, characteristics such as age, onset of criminal behavior, employment status, family structure, intelligence, or scores on diagnostic tests such as psychopathy or antisocial personality disorder are viewed as proxies of an offender's criminality.

Criminality has an important practical value because it is one of the factors used by practitioners to decide the most appropriate type of sanction to fit the treatment and punishment needs of the offender. When criminality and crime are exceedingly low,

such as most traffic violations, the punishment is a fine and no treatment is needed. When criminality and crime are exceedingly high, such as capital murder, the punishment can be death and the treatment moot. Of course, most crimes fall between these two extremes and so criminal punishment attempts to offer some balance of treatment and punishment. As such, community corrections reflect a range of criminal penalties whose treatment and punishment modalities seek to match the varying criminality of correctional clients.

Alex Holsinger and Edward Latessa, criminologists who are noteworthy for evaluating correctional programs, studied the application of the sanction continuum to juvenile offenders and found that criminal justice practitioners appeared to be striking the appropriate balance between treatment and punishment of clients with varying degrees of criminality. Their study contained 544 delinquents who were sentenced to diversion, probation, special/intensive probation, a residential rehabilitation center, or the department of youth services. Sharp differences in criminality existed across the five placements. Those who received diversion were the lowest risks and had the lowest criminality, and those sentenced to confinement were the highest risks and demonstrated the most criminality. For instance, Holsinger and Latessa found that delinquents who were sent to prison had an average criminal risk index score that was 400 percent greater than youths who were diverted. In terms of average behavioral risk score, youths who were placed in a residential center and those who were placed in the department of youth services were 236 percent and 220 percent, respectively, more of a behavioral risk than youths who were diverted.¹⁶

The logic of the continuum of sanctions is used daily in American corrections. As shown in **FIGURE 1-6**, a major initiative in the federal Office of Juvenile Justice and Delinquency Prevention is the comprehensive strategy for serious, violent, and chronic juvenile offenders. The comprehensive strategy blends prevention that targets youths who are at risk for serious delinquency and graduated sanctions, which are used for delinquents. This approach furnishes both prevention/treatment and punishment and is tailored to the specific needs and risk factors of the offender. The most serious and violent delinquents receive the most intensive and severe penalties and pose the greatest need for rehabilitative services. Lesser offenders



FIGURE 1-6 The Continuum of Sanctions. *Reproduced from:* Modified from Howell, J. C. (2003). Diffusing research into practice using the comprehensive strategy for serious, violent, and chronic juvenile offenders. *Youth Violence and Juvenile Justice*, 1, 219–245.

receive more mild forms of correctional supervision that are discussed next.

Community Corrections

Interchangeably referred to as intermediate sanctions, community corrections, or community-based corrections, intermediate sanctions are any form of correctional treatment that deal with the offender within as opposed to outside of society. Community corrections are a lenient alternative to incarceration that accords criminal offenders the opportunity to rehabilitate themselves and become functioning, noncriminal members of society while still integrated in the society. That community-correctional clients remain at large, embedded in the community, symbolically represents the opportunity that they are given. In fact, all community corrections strike a balance between protecting the community and rehabilitating the offender. This blended practice of law enforcement and social work functions can create tension because of the competing purposes of these goals. Finally, community corrections are significantly less expensive than prison in terms of the fiscal costs of administering the sanction and the punishment severity *inflicted* on the offender. For these reasons, criminal offenders and criminal

justice practitioners alike often view any criminal punishment short of prison as a last resort or final opportunity for the criminal offender to reform his or her antisocial behavior.

Renowned criminologist Norval Morris argues that community corrections must serve legitimate treatment and correctional needs; otherwise they will not alleviate prison crowding. Morris articulated three principles to guide the placement of offenders on community corrections. First, the sentence should be parsimonious and provide the least restrictive punishment. Second, offenders should receive their just deserts, in that no sanction should be imposed that is greater than what is deserved. In other words, the punishment and the crime need to match. Morris was apprehensive about whether policy makers could accurately make predictions of future dangerousness. Third, sentencing should follow from observed legal characteristics like offense severity.¹⁷ Following these principles should result in defendants being placed on the most appropriate and just intermediate sanction.

Compared to traditional punishments of confinement, community corrections are versatile criminal punishments that can fit multiple

purposes. Michael Tonry suggests they can be viewed as punitive because they are more intrusive and burdensome than standard probation. Because of the burdensome conditions that are a part of most intermediate sanctions, violations and non-compliance rates tend to be high. Also, community corrections can be viewed as rehabilitative because programs with well-designed treatment protocols can reduce recidivism among offenders. Community corrections reduce money and prison-bed costs without sacrificing public safety.¹⁸ For instance, probation and parole receive about 15 percent of state expenditures for corrections, yet they account for the supervision of 70 percent of correctional clients.

The main criticism of intermediate sanctions is that they are responsible for the dramatic growth in the American correctional population. As shown in **FIGURE 1-7**, the probation population has increased fourfold since 1980. Today, the total correctional population in the United States exceeds 7.2 million, with over 5 million on probation or parole. Approximately 1 in 32 adults or 3.1 percent of U.S. adult residents today are under the supervision of the correctional system.¹⁹ The growth of the correctional population via the proliferation of community corrections or intermediate sanctions is referred to as **net widening**. Although intermediate sanctions provide the opportunity for offenders to avoid prison and taxpayers to avoid paying for them to go to prison, the offenders must go somewhere. That somewhere is the community.

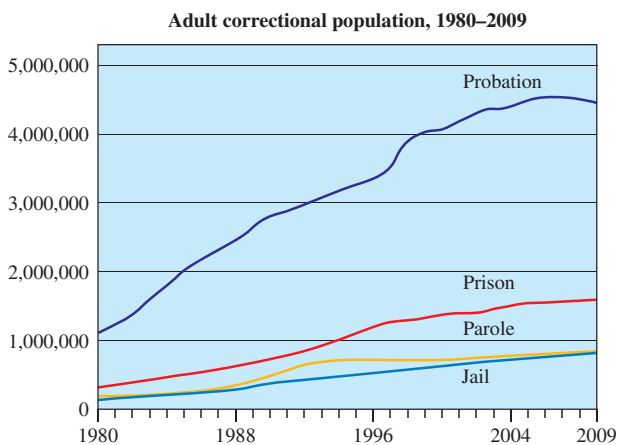


FIGURE 1-7 Trends in Adult Correctional Populations. Reproduced from: Bureau of Justice Statistics. (2011). *Adult correctional populations, 1980–2009*. Retrieved July 1, 2011, from <http://bjs.ojp.usdoj.gov/content/glance/corr2.cfm>.

Types of Community Corrections

Fines and Restitution Fines are monetary payments imposed on criminal offenders as a way to repay society for their violation of the law. Fines are the oldest form of intermediate sanction, and arguably the oldest form of criminal punishment along with death. Before the formalization of criminal justice systems, fines were paid to the specific victim, his or her family, and the community. Today, fines are the universal penalty because virtually all statutes denote some financial penalty often to supplement another sanction. For example, persons convicted of drunk driving may receive 1 year of probation and a \$500 fine.

Fines are collected in a variety of ways. Particularly for petty, traffic, and misdemeanor offenses, fines are imposed upon conviction and the defendant pays upon release from custody. More frequently, community corrections personnel monitor the payment of fines in the course of supervising their client. For example, the correctional officer interviews the defendant to ascertain his or her financial situation, income, and ability to pay to arrange the schedule for repayment. Failure to pay the fine within the time span specified by the court or administrating agency could result in a warrant for noncompliance—technically, failure to pay. Other jurisdictions employ day fines that are geared to the average daily income of the offender. Day fines help to ensure payment because of the daily responsibility placed on the offender. Other jurisdictions garnish a defendant’s wages to ensure payment of fines and restitution. Finally, jail inmates and prisoners often work for wages while incarcerated. That income can similarly be garnished to pay fines, court costs, restitution, and outstanding child support.

The monetary amount of fines varies greatly to match the legal seriousness of the crime. For instance, fines for petty and misdemeanor crimes are often less than \$100, whereas fines for individuals or corporations convicted of securities, fraud, or other white-collar crimes can be hundreds of millions of dollars. It has been argued that affluent white-collar offenders should be forced to pay exorbitant fines that would impose the same level of hardship as prison.²⁰ Another positive consequence would be increased local, state, or federal revenue depending on the jurisdiction that imposed the fine. Whatever the fiscal potential of fines, they do not generally affect recidivism. Criminologists have found that fines

were not helpful in reducing recidivism among offenders forced to pay them primarily because fines were viewed as such an indirect, almost incidental, form of punishment.^{21–22}

Whereas fines are paid to the state, **restitution** is paid to the crime victim to recoup some of the harm caused by the offender's wrongful acts. All criminal courts have the authority to order convicted offenders to pay restitution to victims as part of their sentences. In many states, courts are required to order restitution to victims in cases involving certain types of crimes, typically violent felony offenses.

Restitution can cover any out-of-pocket losses directly relating to the crime, including medical expenses, therapy costs, counseling costs, lost wages, expenses related to participating in the criminal justice process, lost or damaged property, insurance deductibles, crime-scene cleanup, or any other expense that resulted directly from the crime.²³

When courts order restitution, they look not only at the victim's losses, but also at the offender's ability to pay. In some states, the court may reduce the total amount of restitution ordered if the offender is unlikely to be able to pay that amount. In other states, courts will order the offender to pay for the full amount of the loss, but then set a payment schedule based on the offender's finances, which may only be a minimal amount per month. Maureen Outlaw and Barry Ruback report that offenders who have greater resources, more protective factors, and minimal criminal record are most likely to pay restitution on time.²⁴ Unfortunately, many victims wait years before they receive any restitution because of the assorted deficits of the average criminal offender. To help ensure the payment of restitution, it is often an explicit condition of probation such that failure to pay restitution can result in revocation of the probation sentence.

Forfeiture Another financial-based intermediate sanction is **forfeiture**. Forfeiture is the loss of ownership for the illegal use of some property or asset. Criminal forfeiture is *in personam*, which means that the criminal defendant is the target of the forfeiture that can only occur after criminal conviction. Civil forfeiture is *in rem*, which means that it targets property, and it does not require formal adversarial proceedings, and adjudication of guilt is not needed. Criminal forfeiture became part of contemporary criminal justice in 1970 with

the enactment of the Racketeer Influenced and Corrupt Organizations (RICO) statutes that targeted the operations of organized crime activities, such as racketeering, extortion, drug trafficking, or money laundering. The RICO statutes provided the legal justification to seize any assets associated with or produced by criminal enterprises. Many states have similarly developed RICO statutes based on the federal model.

Although developed to tackle organized crime, forfeiture has increasingly been used to target drug violators. Criminal justice system agents employed both criminal and civil forfeiture as a way to cripple the resources of drug offenders (that were comparable to organized crime networks) and utilize proceeds from the seized assets. Because civil forfeiture did not depend on adversarial criminal prosecution, it was viewed as a violation of the due process rights of criminal defendants. The passage of the Civil Asset Forfeiture Reform Act (CAFRA) of 2000 rectified this by providing the procedural protections available to criminal defendants to those whose assets were seized. Moreover, the prosecutor was charged with the burden of proving that particular crimes had occurred and that the seized assets were the fruits of criminal activity, had facilitated criminal activity, or was contraband in itself.²⁵

Criminologists have produced mixed findings regarding the prevalence of forfeiture and the reliance of the criminal justice system on the sanction. John Worrall surveyed 1,400 municipal and county law enforcement agencies to examine their use of civil forfeiture against drug violators. Worrall found that law enforcement agencies commonly used civil forfeiture and that 40 percent of agencies reported that forfeiture was a necessary way to supplement the departmental budget.²⁶ James Clingermyer, Jason Hecker, and Sue Madsen surveyed 70 law enforcement agencies in Ohio and Kentucky and found a much different situation regarding forfeiture. Although they found that virtually all jurisdictions used forfeitures, the forfeitures were overwhelmingly of the criminal variety following a criminal prosecution. Most agencies never used civil forfeiture. Moreover, agencies received a very small part of their budgets from seizures and the sanction had little impact on police procedures and policies.²⁷ Nevertheless, forfeiture is a useful and potentially lucrative intermediate sanction used to cost-effectively punish criminal offenders.



Research is mixed about how widespread the use of forfeiture of drug assets to subsidize criminal justice systems is.

Day Reporting Day reporting is a multifaceted intermediate sanction that serves both pretrial and post-conviction criminal defendants. The sanction requires that defendants report to an official criminal justice facility on a daily basis to check in and demonstrate to correctional staff that they are complying with the conditions of their current legal status. For pretrial defendants who have been released on bond, day reporting usually occurs at the county jail or a community corrections facility. Depending on the conditions of their bond, defendants may submit to Breathalyzer tests or provide proof that they worked or attended counseling. Because clients must daily interact with correctional staff, day reporting theoretically reduces the incentive to engage in criminal behavior that would violate the conditions of bond. Day reporting allows defendants to remain in the community to work toward their own rehabilitation. Pretrial day reporting also saves on jail space and costs and is one of the most widely used alternatives to incarceration.

Day reporting is also used for post-conviction groups, especially probationers and parolees. Day reporting centers provide an assortment of services, such as substance abuse treatment, cognitive restructuring, anger management classes, batterer education classes, parenting skills education, mental health treatment, and others that are designed to reduce antisocial attitudes and behaviors that lead to crime. Day reporting is an explicit condition of their supervision and provides greater supervision than traditional probation because of the frequency of contact. Day reporting centers also refer correctional clients to services in the community not provided by the center.

Several evaluations of day reporting indicated that the sanction is a promising way to reduce recidivism and increase the prosocial functioning of criminal offenders. D. J. Williams and Tiffany Turnage conducted a 1-year follow-up study of 92 day reporting clients in Utah and found that 67 percent had no post-discharge problems and 78 percent of the offenders remained out of jail or prison.²⁸ Based on data from offenders in Indiana, Sudipto Roy and Jennifer Grimes found that 69 percent of clients successfully completed the day reporting program compared to 31 percent who did not.²⁹ An evaluation of nearly 1,400 day reporting clients in Illinois found that clients who utilized more services offered by the day reporting center had lower recidivism rates than clients who did not take advantage of the resources provided.³⁰

Who succeeds and fails in a day reporting program depends primarily on the criminality and risk factors that the individual offender possesses. Indeed, habitual criminals have been found to be 400 percent more likely to violate the conditions of day reporting than first-time offenders.³¹ Nevertheless, day reporting has proven to be a viable, cost-effective intermediate sanction that can serve the needs of all but the most recalcitrant offenders.³²⁻³³

Community Service Community service is a form of restitution that involves civic participation toward the improvement of the community. Examples of community service are working with social service providing agencies, such as the Boys and Girls Club of America, cleaning public parks or roadways, and any activity that constitutes a donation of time to the public good. Community service is usually ordered in conjunction with other intermediate sanctions. For example, a defendant is sentenced to 1 year of probation in which he or she must pay \$500 in fines, court

costs, and restitution, and perform 100 hours of community service. Depending on the sentence, community service is monitored by a probation officer or community corrections specialist. In most jurisdictions, a network of social service providers are approved by the courts and defendants select the agencies with which they want to collaborate. Sometimes, defendants are ordered to donate their time to a specific social service agency especially if the agency is in some way related to the crime. For instance, a person convicted of driving while intoxicated may be ordered to work with practitioners in youth prevention programs that target alcohol use.

Unlike other intermediate sanctions, the criminal justice system does not expect significant reductions in recidivism because of community service. Because it is usually ordered in conjunction with other penalties, it is somewhat difficult to separate the potential independent effects of performing a public good on reducing crime rates. Depending on their criminal history and other social characteristics, offenders view community service as an annoying, even onerous time commitment; a welcome opportunity in lieu of jail; or an empowering experience that will likely deter future crime. Irrespective of what offenders feel about it, community service allows the criminal justice system to mandate civic activity that improves the community, and many courts permit indigent defendants to perform community service to work off fines.^{34–35}

Deferred Prosecution, Judgment, or Sentence Various referred to as a **deferred prosecution, judgment, or sentence**, deferring a defendant's sentence is one of the most widespread and cost-effective ways to control the correctional population. Here is a hypothetical case illustrating how it generally works. Suppose a defendant with minimal criminal history is arrested for theft. He or she pleads guilty to the crime in exchange for a deferred judgment period, usually ranging from 6 months to 2 years. Unlike probation, deferred sentences entail no conditions and do not require the defendant to check in with correctional personnel. Instead, clients who received a deferred sentence must simply not get arrested during the specified time period and theoretically abstain from committing crimes. If the defendant remains crime free for the specified period, the guilty plea is voided and the entire event expunged from the defendant's record.

Deferred sentences are used for both misdemeanor and felony crimes. Because of the possibility

of **expungement**, which is the complete removal of a criminal record from existence, deferred sentences offer one of the best incentives for offenders to reform their criminal ways. If defendants are re-arrested during the deferred sentence, two courses of action are pursued. First, the deferred period is extended, for example from 6 months to 1 year, and the defendant is provided another opportunity on the deferred sentence. Second, the deferred sentence is revoked and the client is placed on probation. Importantly, a guilty plea that results in probation will not be dismissed and expunged regardless of how well the client complies while under supervision.

Conrad Printzlien originally devised deferred prosecution. Printzlien noted the differences in criminality among juvenile offenders and hoped to divert nonserious offenders from the criminal justice system and reserve punishment resources for the most serious offenders. Printzlien conducted a background investigation on his clients. Those with stable community ties and minimal prior record had their criminal charges held in abeyance for a specific time frame contingent on the defendant's good behavior. If the juvenile delinquent did well on the deferred sentence, the case was closed and expunged. Youths who did not comply faced the original complaint or prosecution. This early form of deferred sentencing was known as the Brooklyn Plan.³⁶

Home Detention, House Arrest, and Electronic Monitoring Home detention, variously referred to as **house arrest** or home confinement, and **electronic monitoring** are distinct intermediate sanctions that are routinely combined for use in the same sentence. House arrest is a sanction in which the offender must not leave his or her home with the exception of court-approved times for work and treatment. For instance, a person may be permitted to leave the house during business hours Monday through Friday. When not working or traveling to work, the client must remain in the home. Offenders can be monitored by telephone, work visits, or more commonly via electronic surveillance devices that are attached to the body of the offender. The electronic monitoring device, known in popular culture as an ankle bracelet, sends a signal that notifies correctional personnel if the client leaves the house and thus violates the sentence.

Home detention and electronic monitoring are appealing intermediate sanctions for a variety of reasons. First, they permit convicted offenders to

Tracking Prisoners

Have you ever been lost? Worse yet, have you ever lost track of someone you were supposed to be watching? Now imagine what the consequences might be if the person you were assigned to watch also happened to be a convicted sexual predator or other serious offender. Keeping track of prison inmates is a full-time job, but there are tools that can make this job manageable. Some of these tools are as simple as closed-circuit TVs. Others are more sophisticated and costly. These options include global positioning system (GPS), radio-frequency identification (RFID), and even biometrics.

Most of us are familiar with GPS. They are a feature common in cell phones, automobiles, and even children's toys. In a nutshell, here's how these instruments work. GPS use a triangulation process that is linked to three satellites. The GPS receiver measures the travel time of radio signals and determines the location of the signal's origin by measuring the distance from the signal to each of the three satellites. But it's not just the distance that is used to determine location—velocity is also used. The velocity of a radio frequency is commonly referred to as the speed of light, which is 186,000 miles per second. Using three satellites, three different distances, and one constant speed, the location of the signal is calculated using basic math, and from it the signal's position can be determined.

Manufacturers strongly recommend both guards and inmates wear RFID transmitters. Guards wear them for reasons of safety and welfare, while inmates wear them for reasons of tracking and surveillance. Each transmitter emits an assigned radio frequency that identifies the wearer every 2 seconds. The radio frequencies are received by multiple antennas strategically located throughout the facility. The signal is routed to a server and the data is translated by computer program provid-

ing detailed information on the location of the device and the person wearing it.

Biometrics refers to a system of identification that uses physiological and/or behavioral characteristics. You've seen it used in the movies and on TV. Identification is verified by examining a person's iris, retinal, and facial characteristics, but biometrics can also include fingerprint and voice identification as well as a dynamic signature to verify an individual's identity. All of these types of biometric techniques have advantages and disadvantages. In a recent study, corrections officials for the navy tested these various methods and found that in a prison environment, facial recognition technology has a higher than acceptable false positive rate and voice recognition is far too unreliable.

To date, 48 states have passed legislation authorizing the electronic monitoring of offenders most commonly using GPS. Gaylene Armstrong and Beth Freeman reported in a recent study that the legislative desire for GPS is outpacing its technological capability. Unfortunately, it is relatively common to lose a satellite signal for offenders using GPS monitoring, which results in many false alerts. These false triggers in turn require additional increases on officer workload.

SOURCES: Harris, T., & Brain, M. (n.d.). *How GPS works*. Retrieved July 1, 2011, from <http://www.howstuffworks.com/gps3.htm>; Swedberg, C. (2005). *L.A. County jail to track inmates*. Retrieved July 1, 2011, from <http://www.rfidjournal.com/article/articleprint/1601/-1/1>; Armstrong, G. S. & Freeman, B. C. (2011). Examining GPS monitoring alerts triggered by sex offenders: The divergence of legislative goals and practical application in community corrections. *Journal of Criminal Justice*, 39, 175–182.

remain in the community and continue to be contributing members of society. Since their freedom is curtailed to work and treatment, the sanctions force offenders into a concentrated commitment to conventional behavior. In the same way, offenders are not permitted to go to bars or other places with high potential for criminal opportunities. Randy

Gainey and Brian Payne interviewed offenders who had been placed on home detention with electronic monitoring and found that most offenders viewed the intermediate sanction as a positive experience that was certainly better than jail.³⁷

Second, house arrest and electronic monitoring address offenders who ordinarily would have

been sentenced to jail. Consequently, the sanctions offer significant savings in terms of jail space, jail operating costs, and jail crowding.^{38–41} Third, evaluation studies from several states, including California, Georgia, and Virginia found evidence that offenders on house arrest/electronic monitoring had lower recidivism rates than comparable offenders.^{42–44} There is also enormous potential cost savings associated with electronic monitoring. Drawing on nationally representative correctional data, Stuart Yeh conducted a cost-benefit analysis of what would occur if all parolees and probationers were instead monitored using electronic monitoring and home detention. Yeh found that 781,383 crimes could be averted each year which produces an annual savings of \$481.1 billion. Society would gain \$12.70 for every dollar expended on Yeh's proposal.⁴⁵

There are also deficiencies. First and foremost is that the sanctions cannot address criminal behaviors that occur within the home. Offenders may successfully comply with their sentence while engaging in domestic violence, child abuse, or using drugs within their home. Second, the crime-saving effects of house arrest and electronic monitoring are equivocal. Kevin Courtright, Bruce Berg, and Robert Mutchnick studied offenders in Pennsylvania and found that these offenders were as likely as jail inmates to get rearrested or have their probation revoked.^{46–47} Similarly, James Bonta and his colleagues found that electronic monitoring was ineffective at reducing recidivism, added little value as an intermediate sanction, and only served to widen the net of the correctional apparatus.^{48–49}

Probation Probation is a sanction for criminal offenders who have been sentenced to a period of correctional supervision in the community in lieu of incarceration. Probation offers conditional freedom to offenders who must abide by a variety of conditions that are imposed to facilitate their rehabilitation. Common probation conditions are substance abuse counseling and urinalysis, no contact with victims in the case, psychiatric counseling, restitution, community service, maintenance of employment, and regular communication with one's probation officer. Standard conditions refer to universal mandates that apply to all probationers, such as regularly reporting to their probation officer. Treatment conditions address a problem or issue that if resolved will help the offender remain crime free; punitive conditions are burdens placed on probationers convicted of the most serious crimes.

A **probation officer** is the practitioner who oversees and monitors a probationer's case to determine that the defendant is complying with all conditions of probation. When probationers do not comply with their sentence, their probation officer can pursue two courses of action. Unless there is a grievous violation, such as an arrest for a new violent felony, the probation officer will warn the probationer and potentially seek to impose new conditions or extend the period of probation. Both of these actions must be court approved before the probation department may act. Other times, the probation officer arrests the probationer for violating the terms of the sentence. At court, the probation sentence can be terminated, usually resulting in a prison sentence, or made more restrictive. Persons who are performing exceptionally well can also have their probation terminated early. Violations of probation that are based on relatively minor conditional violations are often-times referred to as technical violations.

Probation is the jack of all trades sanction because it touches virtually all aspects of criminal justice. Upon arrest, it is usually the department of probation that conducts a **presentence investigation (PSI)** that is the primary source of information that the court uses to determine which cases will be deferred from formal prosecution. The criminal and social history information in the PSI can affect bond and pretrial release, adjudication, sentencing, correctional placement, and supervision. Joan Petersilia, a well-known correctional expert, expressed that, "No other justice agency is as extensively involved with the offender and his case as is the probation department."^{50, p. 159}

Probation also plays a major part in deflecting or diverting crimes from the criminal justice system and thus provides great savings on court and correctional expenditures. Aside from nominal criminal offenders, recidivism rates are relatively high. This means that offenders already on probation commit many new crimes. Once this happens, the courts have a decision to make. They can either initiate prosecution for the new crimes or simply use the new arrest as the basis for a violation or revocation of probation. Prosecutors favor the latter approach. Rodney Kingsnorth and his colleagues found that prosecutors believed that case disposition by means of a probation violation hearing and revocation was preferable to filing new charges. Because probation violations could readily result in jail or prison sentences, new charges were often

rejected or dismissed to streamline the case against the offender.⁵¹ In this way, probation and its violation can serve a quasi-judicial function.

Parole Parole is a method of completing a prison sentence in the community rather than in confinement. A paroled offender can legally be recalled to prison to serve the remainder of the sentence if he or she does not comply with the conditions of parole. Parole conditions are similar to probation conditions as parolees are expected to seek or maintain employment, attend mental health counseling or therapy, participate in substance abuse treatment, submit to drug tests, avoid contact with victims in their case, and avoid contact with other negative influences such as felons or fellow gang members. More than 80 percent of parolees have various conditions by which they must abide. Two types of parole exist. **Discretionary parole** occurs when parole boards have the discretionary authority to conditionally release prisoners based on a statutory or administrative determination of eligibility. **Mandatory parole** occurs in jurisdictions using determinate sentencing statutes (e.g., conviction for Class B felony is 25 years) in which inmates are conditionally released from prison after serving a portion of their original sentences minus any good time earned.⁵²

Parole plays the following three critical roles in the criminal justice system:

1. Parole boards determine the actual length of prison sentences once an offender has served the minimum term of his or her sentence. On a case-by-case basis, the parole board determines whether a prisoner is ready to be released into the community. Because of this, the parole board, an executive branch agency, has considerable oversight on the judiciary.
2. Parole agencies supervise probationers and therefore oversee the reintegration of returning prisoners.
3. Parole boards and parole officers are authorized to revoke parolee sentences if they are not in compliance. In this sense, parole serves an important crime control function by removing high-risk criminal offenders from the community once it is clear that they are recidivistic and noncompliant.⁵³

The primary distinction between parole and all of the other forms of community corrections is that parolees are placed in the community after serving time in prison. Conversely, other intermediate sanctions

place offenders in the community in lieu of prison. Parole shares the same nomenclature as probation. For instance, parole officers supervise parolees, monitor them for parole violations, and have the authority to revoke parole. There is one important difference: parole is always a state function that is administered by one executive department per state.

To many, parole is the most serious form of community corrections because of the criminality of the population. Unlike probationers, half of whom were simply convicted of misdemeanors, parolees are all convicted felons who have served time in prison. Parolees are the most high-risk group of correctional clients. Because of this, the parole board, the administrative board that is empowered to grant parole, must be mindful of crime control when deciding which inmates to grant another opportunity for redemption.

Institutional Corrections

When most people think of corrections, they envision institutional corrections in which criminal offenders are confined, locked up, removed from society, and kept away or incapacitated from other members of society. Other than capital punishment, institutional corrections are the harshest form of criminal punishment and are reserved for offenders convicted of felonies, especially serious crimes including murder, rape, robbery, kidnapping, child molestation, and the like, and generally for offenders with extensive criminal histories. The various forms of institutional corrections are explored next.

Jail and Prison

Jail is a local correctional facility usually operated by a county sheriff's department and used for the short-term confinement of petty offenders, misdemeanants, persons convicted of low-level felonies, and persons awaiting transport to some other criminal justice or social service agency. Jails confine persons before and after adjudication, and those who have been sentenced typically serve sentences of usually no more than 1 year. Jails house a diverse group of inmates and also:

- Receive those pending arraignment and hold them pending trial, conviction, or sentencing.
- Readmit probation, parole, and bail-bond violators and absconders.
- Temporarily detain juveniles pending transfer to juvenile authorities.

- Hold mentally ill persons pending their movement to appropriate mental health facilities.
- Hold individuals for military, for protective custody, for contempt, and for the courts as witnesses.
- Release convicted inmates to the community upon completion of sentence.
- Hold inmates pending transfer to federal, state, or other authorities.
- House inmates for federal, state, or other authorities because of crowding of their facilities.
- Operate community-based programs as alternatives to incarceration.⁵⁴

Although the general public and television crime dramas often use *jail* and *prison* interchangeably, there are important differences. Michael Harrington and Cassia Spohn identified several differences between the facilities. First, the quality of life in jail is generally much better than in prison because of the shorter duration and the less serious types of offenders with whom one is to be housed. Second, jails are closely located to where offenders live; prisons are often located in remote areas, often far away from the cities in which offenders disproportionately lived before they were incarcerated. Third, whereas prisons are isolating, jails facilitate community ties with the continuation of employment, treatment, and family opportunities.⁵⁵ As such, as far as institutional corrections go, jails are preferable to prisons.

A **prison** is a correctional facility used to confine persons convicted of serious crimes and serving sentences of usually more than one year. Most prisons are state-administered facilities, although the federal criminal justice system (discussed later in this chapter) also operates a separate prison system known as the Federal Bureau of Prisons (BOP). State prisons can also be administered by private correctional organizations. A defendant who has been sentenced to prison is known as an **inmate** or **prisoner**.

Although confinement has existed in Western societies for centuries, prisons as they are understood today are an American invention. In the early 19th century, prisons, then symbolically known as penitentiaries, were hailed as an outgrowth of the Enlightenment, during which criminal offenders were confined and expected to contemplate their criminal behavior and work toward their rehabilitation and ultimate redemption. Inmates were

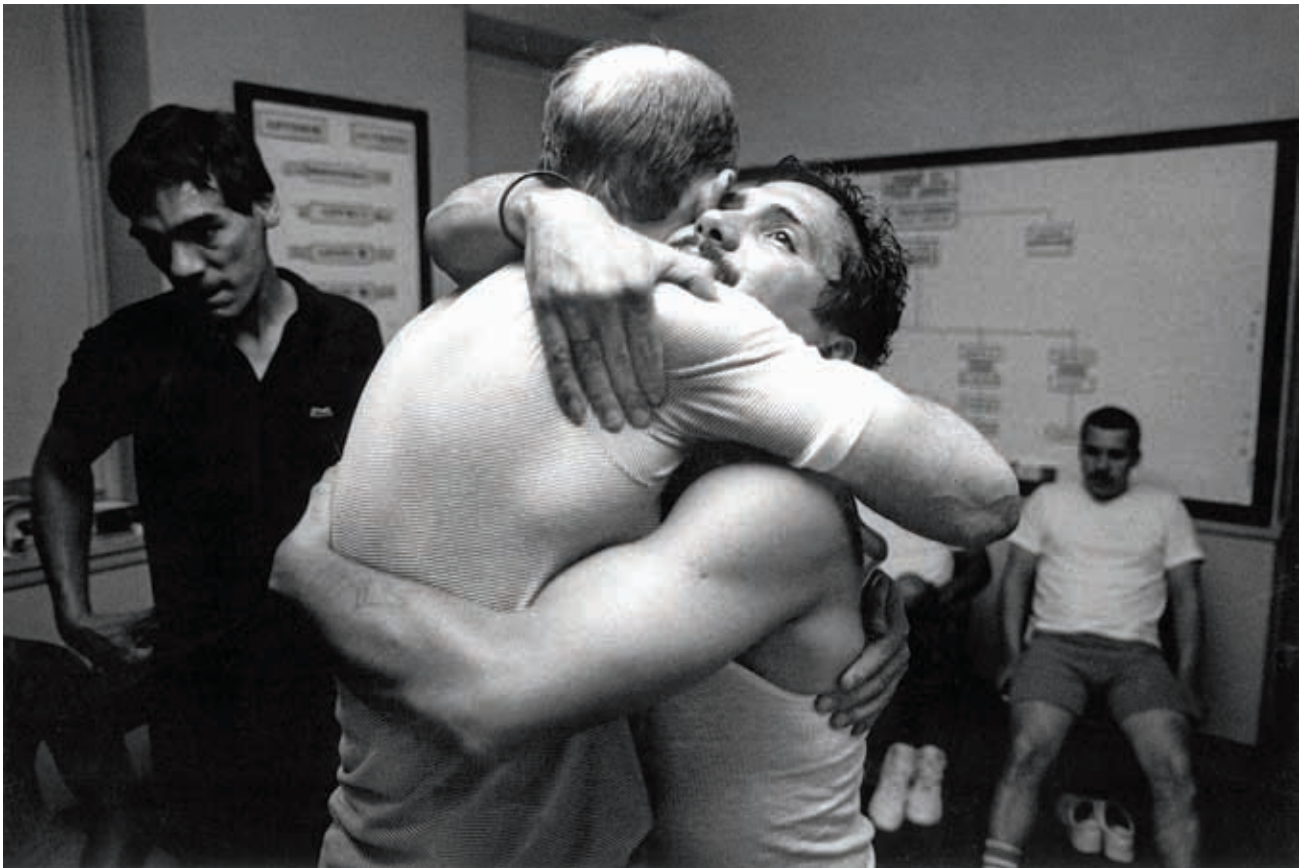
expected to be penitent, defined as feeling or expressing remorse for one's misdeeds or sins; as such, the penitentiary was designed as a place for criminals to repent. Throughout American history, prisons have reflected the social conditions of the day. Early prisons reflected the intense religiosity of the colonial era. Modern prisons reflect the pragmatic goals of incapacitation, crime control, and due process. Prisons have always been controversial and marked by periods of reform.

Halfway Houses/Residential Treatment

The term **halfway house** describes the status of a criminal defendant that is partially confined and partially integrated into the community. Traditionally, halfway houses served post-conviction offenders as they transitioned from prison confinement to a period of aftercare or parole. However, for a variety of reasons, such as alcohol or drug treatment, mental health counseling, or some other risk factor, halfway house clients were viewed as too risky to be entirely released to the community. Unlike prisons, which are absolutely secured, halfway houses are correctional facilities from which residents are regularly permitted to leave the facility, unaccompanied by a correctional official, to attend treatment, use community resources (pertaining to their rehabilitation), attend school or some educational program, work, or seek employment. Halfway house residents generally sleep at the facility and are free to participate in their structured activities during specified times, usually normal business hours.

Today, halfway houses are often referred to as residential communities, residential community corrections, or **residential treatment** facilities. Halfway houses are advantageous as an intermediate sanction for two reasons. They are more cost-effective than prison and many jurisdictions utilize private halfway houses that offer even greater cost savings. For instance, Travis Pratt and Melissa Winston analyzed a nationwide census of public and private correctional facilities and found that private halfway houses were among the most cost-efficient forms of community supervision.⁵⁶

Similar to most intermediate sanctions, halfway houses now serve both pretrial and post-conviction offenders. Depending on the jurisdiction, parolees or probationers can reside in halfway houses. In some places, high-risk defendants on bond can reside in halfway houses or even county jails in



Residential communities assist correctional clients in their transition to conventional society.

special work release or work-ender units in which offenders reside in the facility when not working or attending treatment. Using various data sources and types of offenders, residential treatment has been found to be fairly effective at reducing recidivism and violence among criminal offenders.⁵⁷ Even more importantly from an administrative perspective, halfway houses provide another inexpensive opportunity to supervise criminal offenders for whom prison would be too expensive and perhaps too severe a sanction.⁵⁸

Boot Camps/Shock Incarceration

Correctional **boot camps**, sometimes referred to as **shock incarceration** or intensive incarceration, are short-term incarceration programs that incorporate the strict discipline, hard labor, and physical training of military basic training followed by an aftercare program, parole, or probation (depending on the state and the legal classification of the offender) that contains conditions and treatment. A major advantage of boot camps is that they are

significantly less expensive than placing felons in traditional prison.⁵⁹

Boot camp participants are young convicted felons without extensive criminal histories for whom boot camp is an opportunity for rehabilitation in lieu of prison confinement. Boot camps were first introduced in 1983 in Georgia and Oklahoma to tremendous public and political fanfare. Citizens appreciated the harsh discipline, physical coercion, and tough-love approach to simultaneously treating and punishing youthful criminals. Some academic criminologists detested boot camps for these same reasons.⁶⁰⁻⁶¹

Evaluations of boot camps in many states have produced conflicting findings about the overall effectiveness of boot camps as an intermediate sanction depending on the study outcome. Faith Lutze found that boot camps were successful in providing an environment of safety and discipline, which offenders felt was more conducive to rehabilitation than what a minimum-security prison could offer.⁶² Even if boot camps offer an environment that seems conducive to rehabilitation, offenders do not always



Although they receive great publicity and public support, boot camps are mostly ineffective at reducing recidivism among correctional clients.

take advantage. For instance, a variety of criminologists have found that offenders who attended boot camp were no better than traditional prisoners in terms of reducing their antisocial attitudes, delinquent cognitions, or recidivism.^{63–65} The effectiveness of boot camps is also contingent on the legal classification and even criminality of the participants. Boot camps were designed for offenders with little to no criminal history and tend to be most effective for such clients. When offenders with more extensive criminal records are placed in boot camp, the results are less impressive.⁶⁶

After 20 years of research on boot camps, the following three important conclusions should be drawn:

1. The ultimate effectiveness of boot camps (and any sanction for that matter) depends greatly on the criminality of the clients. To illustrate, Brent Benda and his colleagues have consistently found that boot camp graduates who have low self-control, deficits in social skills, and frequent associations with criminal peers are significantly more likely to recidivate when

followed for 5 years. Boot camp alumni with gang, drug, and weapons histories were also more problematic than clients who did not have this criminal baggage.^{67–69}

2. The overall effects of boot camps on recidivism and related outcomes are modestly positive. Doris Layton MacKenzie, David Wilson, and Susanne Kider conducted an exhaustive meta-analysis of 29 studies that used 44 samples of boot camp offenders. In nine studies, boot camp participants had lower recidivism than comparison groups who either did not participate in the boot camp or were simply sentenced to prison. In eight studies, boot camp clients were worse than their counterparts. In 12 studies, no significant differences emerged.⁷⁰ Boot camps that were most effective offered more rehabilitation components, such as drug treatment and education programs, and targeted prison-bound offenders.^{71–72}
3. Even if boot camps modestly affect recidivism, they are important because they cost significantly less money than sending the same offenders to prison. These short-term cost savings will likely continue to justify the use of boot camps. Indeed, Benjamin Meade and Benjamin Steiner's recent systematic review of the boot camps literature found that boot camps reduce the number of confinement beds that jurisdictions require. Notwithstanding the other pros and cons about boot camps, they make fiscal sense.⁷³

This was but a snapshot of the various sentences that are part of the correctional system. Each is discussed in greater detail later in the book. Next, the correctional system is viewed by the numbers in terms of the statistical size of the various correctional populations, expenditures and employment information, and collateral issues that give corrections a broader societal relevance, such as its impact on popular culture, the media, and public health. Finally, the chapter concludes with a profile of federal corrections, which are distinct from the assorted local and state correctional systems.

Corrections by the Numbers

Today, the correctional population exceeds 7.2 million adults, which equates to about 3.1 percent of the U.S. adult population. In other words, 1 in

every 32 adults is either incarcerated, on probation, or on parole. Among the persons under correctional supervision:

- More than 4.2 million are on probation.
- More than 824,000 are on parole.
- More than 1.6 million are in state or federal prison.
- Nearly 760,000 are in jail.
- Nearly 15,000 are in territorial prisons.
- More than 10,000 are in facilities under the authority of the Bureau of Immigration and Customs Enforcement.
- More than 2,000 are in military facilities.
- Nearly 2,000 are in jails on Native American reservations.
- Nearly 100,000 are in juvenile facilities.^{74–75}

The correctional population varies greatly between states. A good rule of thumb is that if a state has many electoral votes, it also has large probation, parole, and prisoner populations. For example, nearly 700,000 inmates are concentrated within the BOP, California, Texas, Florida, and New York. California and Texas have roughly 170,000 prisoners, whereas less populated states, such as North Dakota, Maine, Wyoming, Vermont, and New Hampshire have between 1,000 and 2,000 inmates. Nearly 130,000 inmates, representing 8 percent of all inmates, are supervised in privately operated prisons.

Because social groups have dramatically different rates of criminal behavior, the effects of the correctional system on gender, racial, and ethnic groups varies. There are sharp offending differences by gender, race, and ethnicity. For gender, males have an imprisonment rate of 949 per 100,000 U.S. residents, which is a staggering 14 times higher than the rate for females, which is 67 per 100,000 U.S. residents. Women comprise just 6.8 percent of the total prison population. Racial and ethnic minorities are disproportionately sentenced to probation and parole and comprise 66 percent of the state and federal prison population. African American males have an imprisonment rate of 3,119 per 100,000 U.S. residents, which is six times higher than the rate for white males (487 per 100,000) and nearly three times higher than the rate for Hispanic males (1,193 per 100,000).

Thomas Bonczar estimated that over 5.6 million American adults currently residing in conventional

society had previously served time in prison. The rate of ever having gone to prison among adult African American males (16.6 percent) was double the rate of Hispanic males (7.7 percent) and over six times the rate of white males (2.6 percent). Bonczar also reported that *if* incarceration rates remain unchanged, 6.6 percent of U.S. residents born in 2001 will go to prison in their lifetime. This included about 1 in 3 African American males, 1 in 6 Hispanic males, and 1 in 17 white males. For women, the rates were 5.6 percent for African Americans, 2.2 percent for Hispanics, and less than 1 percent for whites.⁷⁶

American justice is also big business, and the correctional system comprises the bulk of public spending for crime control. For instance, the California prison system operates at approximately 175 percent above capacity and costs billions to operate. In 2007, California legislators passed a \$7.3 billion plan to add more than 53,000 additional beds for inmates and more rehabilitation programs. On a national level, investigators within the Bureau of Justice Statistics report that more than \$228 billion was spent on the criminal justice system, a threefold increase since 1982. Total justice system expenditures comprised nearly 10 percent of all state and local public expenditures—approximately as much as expenditures on hospitals and health care. According to the most recent available data, nearly 3 million Americans work in the criminal justice system, resulting in a monthly payroll of over \$10 billion.⁷⁷

Total direct expenditures (**FIGURE 1-8**) on corrections increased more than 600 percent in the

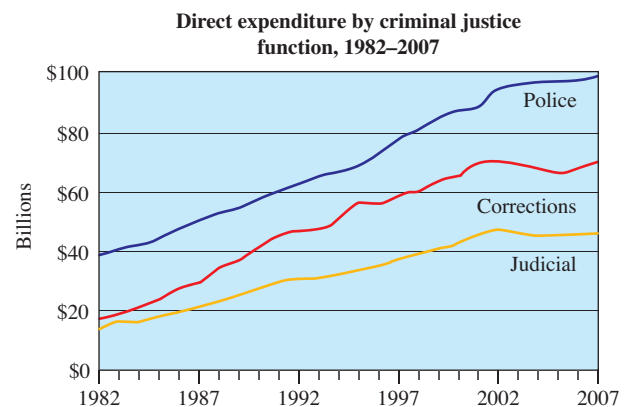


FIGURE 1-8 Trends in Justice System Expenditures. *Reproduced from:* Bureau of Justice Statistics. (2011). *Direct expenditure by criminal justice function, 1982-2007*. Retrieved July 1, 2011, from <http://www.bjs.gov/content/glance/exptyp.cfm>.

TABLE 1-1

Prevalence of Imprisonment by Gender and Race

U.S. Residents Ever Incarcerated	Number			Percent of Adult U.S. Residents		
	1974	1991	2001	1974	1991	2001
Total	1,819,000	3,437,000	5,618,000	1.3	1.8	2.7
Male	1,677,000	3,142,000	5,037,000	2.3	3.4	4.9
White	837,000	1,395,000	1,978,000	1.4	1.9	2.6
Black	595,000	1,181,000	1,936,000	8.7	12.0	16.6
Hispanic	94,000	392,000	911,000	2.3	4.9	7.7
Female	142,000	295,000	581,000	0.2	0.3	0.5
White	86,000	139,000	225,000	0.1	0.2	0.3
Black	51,000	109,000	231,000	0.6	0.9	1.7
Hispanic	8,000	30,000	86,000	0.2	0.4	0.7

Source: Bonczar, T. P. (2003). *Prevalence of imprisonment in the U.S. population, 1974–2001*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

past 25 years. The increases for policing and courts were about 400 percent and nearly 500 percent, respectively. The federal criminal justice system (discussed later in this chapter) experienced even greater growth. Between 1982 and 2005, for example, the federal government increased expenditures on policing by 708 percent, legal services by 573 percent, and corrections by 925 percent.⁷⁸

Within the correctional system, prisons are far and away the costliest to run. James Stephan estimated that more than \$38 billion are spent to maintain the nation’s state prison systems. Daily operating expenses exceed \$28 billion. About 77 percent of a state’s correctional costs are spent on prison operations, with the remaining 23 percent devoted to juvenile justice, probation and parole, other community corrections, and administration. Medical care for state prisoners totaled more than \$3 billion each year, which is 12 percent of operating expenditures. According to the most recent data, one state prisoner costs taxpayers \$22,650 per year or \$62.05 per day to incarcerate. In the federal Bureau of Prisons, the figures are \$22,632 per year or \$62.01 per day.⁷⁹

As examined earlier in this chapter, in addition to its monetary costs, the American correctional system creates collateral problems for American society. In some cases, corrections achieved cultural significance. For instance, cultural icon Oprah Winfrey has devoted time on her talk show to educate parents about the dangers of sex offenders, which has resulted in

multiple arrests, including a pedophile who was on the FBI’s most wanted fugitive list.⁸⁰ In recent years, a 90-year-old former member of the Colombo crime family was arrested for violating his parole. John “Sonny” Franzese was a long-time patron of the Copacabana nightclub where he spent time with entertainers Frank Sinatra and Sammy Davis Jr.⁸¹ Corrections news is not always negative, however. After severe flooding in the Great Plains, inmates from Missouri prisons helped National Guard members fill sandbags to protect a water treatment plant, schools, and an ethanol plant.⁸²

The correctional system and correctional clients create at least four important problems for mainstream society: crime, family disruption, economic liability, and public health.

1. The most obvious collateral consequence of the correctional system is the inability to reduce crime. Community corrections clients remain free and thus have ample opportunity to recidivate. Prisoners bring antisocial behaviors home after their release, thus increasing crime rates in their communities.^{83–84} For instance, Ingrid Binswanger and her colleagues found that in the first 2 weeks after release from prison, ex-cons have a death rate (mostly from drug overdoses or homicide) that is 1,270 percent higher than other residents.⁸⁵ This suggests that correctional clients and the difficulty of the correctional system in adequately supervising them can jeopardize public safety.

CORRECTIONS FOCUS

The Federal Criminal Justice System

While the term *criminal justice system* is understood to represent the total set of agencies and organizations relating to police, courts, and corrections, the system is of course fragmented by jurisdiction. Towns, cities, counties, and states have their own police, courts, and corrections. The same holds for the United States. The federal criminal justice system contains many agencies that arrest, prosecute, and detain criminal defendants. Some federal criminal justice agencies include:

- Federal Bureau of Investigation (FBI)
- U.S. Marshals
- U.S. Immigration and Customs Enforcement (ICE)
- Federal Bureau of Prisons (BOP)
- Drug Enforcement Administration (DEA)
- U.S. Customs and Border Protection
- U.S. Postal Inspectors
- U.S. Attorneys
- U.S. Probation and Pretrial Services
- U.S. Parole Commission

Like the states, the federal criminal justice system processes hundreds of thousands of cases per year. And like the states, the federal system diverts most cases from the system as it works from law enforcement through the courts and terminates in corrections (see **FIGURE 1-9** and **FIGURE 1-10**). According to the most recent data from the Compendium of Federal Justice Statistics, more than 148,229 suspects were investigated by federal law enforcement each year, of which 141,212 were arrested. Unlike local and state criminal justice systems where suspects are routinely investigated but less likely to be arrested, the federal system is more judicious. Defendants who are investigated are also more likely to be arrested by federal authorities. U.S. attorneys prosecuted 116,363 defendants resulting in 74,782 convictions. Based on these convictions, 58,106 offenders were sentenced to prison and 11,067 to probation.⁸⁶

2. Institutional corrections disrupt family structures and place exceptional burdens on the spouses, children, and other relatives of prisoners. These burdens often reduce the life

chances of those affected, especially children of inmates. For instance, Christopher Mumola reports that African American children are nine times more likely and Hispanic children three

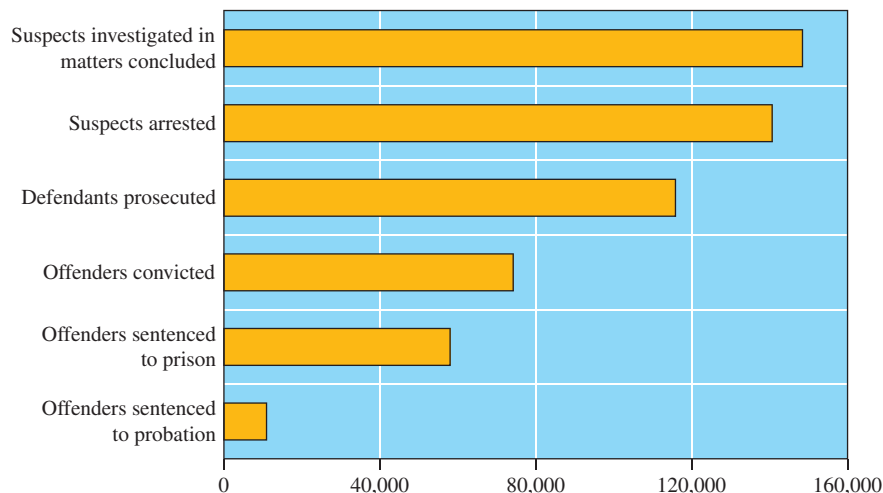


FIGURE 1-9 Annual Case Processing in the Federal Criminal Justice System. *Reproduced from: Smith, S. K., & Motivans, M. (2006). Compendium of federal justice statistics, 2004. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.*

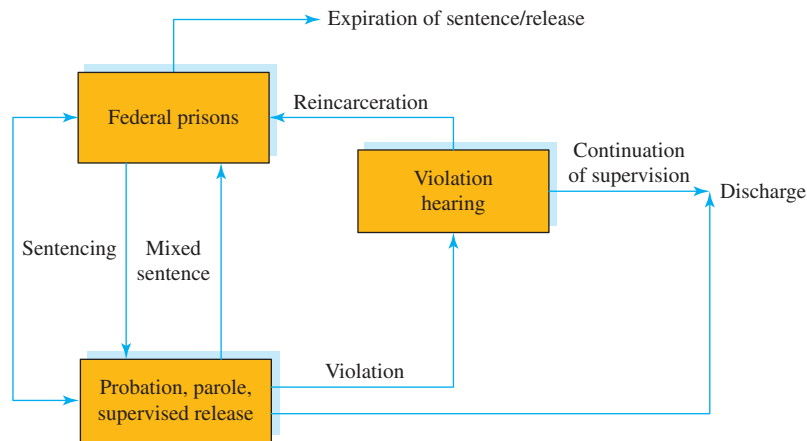


FIGURE 1-10 Structure of Federal Criminal Justice System. *Reproduced from: Smith, S. K., & Motivans, M. (2006). Compendium of federal justice statistics, 2004.* Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

times more likely than white children to have a parent in prison.⁸⁷ These disparities partially reflect race differences in social development and delinquency among adolescents. Mark Berg and Matt DeLisi suggested a connection between community-level violence and prison violence among racial and ethnic minorities that contributed to social problems within minority neighborhoods.⁸⁸

3. The costs imposed by offenders are not just societal, but also fiscal. Tremendous resources are required to police, prosecute, and supervise criminal defendants in the United States, and because many offenders are recidivists, the costs accumulate over time. Several monetization studies found that the per capita costs posed by just one serious offender can range from \$1 million to \$20 million particularly if the offender is convicted and confined for murder.⁸⁹
4. The correctional system poses serious public health risks. Approximately 40 percent of the prisoners in the United States are infected with hepatitis C, a serious disease that causes liver failure and liver cancer. Many inmates are unaware they have the disease. Hepatitis C is transmitted much like the HIV virus that causes AIDS, mainly via intravenous drug use and unprotected sexual contact. The prevalence of hepatitis C among prisoners is 20 times higher than the prevalence in the general population, thus the reentry of correctional clients to the community poses health risks. Unfortunately, the correctional system is only beginning to

recognize the seriousness of the hepatitis C epidemic, and health care is lagging.⁹⁰ The prevalence of a range of psychiatric disorders is significantly higher among prisoners than the general population. For instance, the prevalence ratios among male prisoners and the male general population are 4 to 1 (psychosis), 3 to 1 (any personality disorder), and 9 to 1 (antisocial personality disorder).⁹¹

As shown in **FIGURE 1-10**, federal correctional clients follow an admittedly confusing route through the correctional system. Depending on their sentence, defendants can serve community corrections, institutional corrections, or both. If an offender violates the conditions of his or her sentence, supervised release can be violated and result in reincarceration.

The **Federal Bureau of Prisons (BOP)** is the prison component of the federal system. For more than a century in the United States, there were no federal prison facilities because federal violators were simply housed in state prisons or county jails. In 1891, Congress enacted legislation to construct three penitentiaries: one in Leavenworth, Kansas; one in Atlanta, Georgia; and one at McNeil Island in Washington State. Fort Leavenworth, the first federal prison, opened on February 1, 1906. On May 14, 1930, President Herbert Hoover signed legislation establishing the Federal Bureau of Prisons to manage and regulate all federal prisons. Probably the most famous facility within the BOP is Alcatraz, a 12-acre rock island in San Francisco harbor that housed high-risk prisoners from other facilities between 1934 and

Drug Use and Sexually Transmitted Infections in Prison

The likelihood of being incarcerated on a drug offense is greater today than it has ever been. Statistical data on prisoner populations reveals that between 60 and 80 percent of state and federal inmates use or have used illegal substances. Records indicate that over a quarter of a million prisoners in state facilities report having used intravenous drugs, half of whom also report having shared needles. The number of substance users increases significantly when including those inmates who have smoked substances such as crack cocaine. With this use of illegal drugs comes the risk of contracting and/or transmitting infectious diseases. Not surprisingly, the infectious disease rate for prison inmates is five to six times greater than rates for the general population. Researchers blame this high-risk behavior on the social demographics of the prison population.

Many prison inmates come from a socially and economically disadvantaged population. These inmates tend to lack formal education and generally do not have access to adequate medical care. In addition, many of these inmates suffer from personal trauma such as physical and/or sexual abuse. A substantial number were unemployed prior to being arrested for their crimes. This population also has an affinity for high-risk behavior that places them at risk for contracting an infectious disease. Generally speaking, those who use illegal substances practice a variety of high-risk behaviors, not the least of which is sexual intercourse with concurrent partners.

Female inmates are at particularly high risk for contracting sexually transmitted infections—especially female inmates who abuse drugs and/or alcohol. The infection rate among female prisoners has been tied to intravenous drug use and prostitution for drugs.

Sexually transmitted infections (STIs) pose an even bigger risk for this population since many of the STIs are asymptomatic in women. As a result, female inmates find themselves living with STIs for a much longer period of time before seeking treatment.

Why is drug use and the spread of sexually transmitted infections a problem worth addressing? The group of prisoners who are at highest risk for contracting and transmitting a sexually infectious disease are those housed for short periods of time in local jails—typically no more than 48 hours, but the sentence can be for as long as 1 year. Because their time in the facility is short, very few offenders in these facilities are screened for infectious diseases despite federal guidelines and recommendations to do so. Even more problematic is the system's resistance to steps that could prevent the spread of sexually transmitted infections in these facilities.

Local, state, and federal correctional facilities restrict sexual activity among inmates and thus resist the idea of distributing condoms even though officials acknowledge inmates do participate in sexual relationships in a variety of settings. Inmates improvise by using portions of latex gloves and plastic wrap. The outcome is the continued likelihood of the transmission of sexually infectious diseases.

SOURCES: Fazel, S., & Baillargeon, J. (2011). The health of prisoners. *The Lancet*, 377, 956-965. Wolfe, M. I., Xu, F., Patel, P., O'Cain, M., Schillinger, J. A., St. Louis, M. E., & Finelli, L. (2001). An outbreak of syphilis in Alabama prisons: Correctional health policy and communicable disease control. *American Journal of Public Health*, 91, 1220-1225.

1963. By October 2008, more than 202,000 inmates were in the BOP.⁹²

The BOP operates institutions at five different security levels based on the presence of external patrols, towers, security barriers, or detection devices; the type of housing within the institution; internal security features; and the staff-to-inmate

ratio. Each facility is designated as minimum, low, medium, high, or administrative.

- Minimum-security institutions, also known as federal prison camps (FPCs), have dormitory housing, a relatively low staff-to-inmate ratio, and limited or no perimeter fencing. These institutions are work and program oriented.



Throughout its history, the Federal Bureau of Prisons has housed some of the most notorious prisoners in American history.

- Many are located adjacent to larger institutions or on military bases where inmates help to serve the labor needs of the larger institution or base.
- Low-security federal correctional institutions (FCIs) have double-fenced perimeters, mostly dormitory or cubicle housing, and strong work and program components. The staff-to-inmate ratio in these institutions is higher than in minimum security facilities.
 - Medium-security FCIs have strengthened perimeters, mostly cell-type housing, a wide variety of work and treatment programs, an even higher staff-to-inmate ratio than low-security FCIs, and even greater internal controls.
 - High-security institutions, also known as United States penitentiaries (USPs), have highly secured perimeters featuring walls or reinforced fences, multiple- and single-occupant cell housing, the highest staff-to-inmate ratio, and close control of inmate movement.
 - Administrative facilities are institutions with special missions, such as the detention of pre-trial offenders; the treatment of inmates with serious or chronic medical problems; or the containment of extremely dangerous, violent, or escape-prone inmates. Administrative facilities include Metropolitan Correctional Centers (MCCs), Metropolitan Detention Centers

(MDCs), Federal Detention Centers (FDCs), Federal Medical Centers (FMCs), Federal Transfer Centers (FTC), Medical Center for Federal Prisoners (MCFP), and the Administrative-Maximum (ADX). U.S. Penitentiary Administrative facilities are capable of holding inmates in all security categories. A number of BOP institutions also have a small, minimum-security camp adjacent to the main facility known as satellite camps.⁹³

The objectives of federal supervision are to (1) enforce compliance with the conditions of release, (2) minimize risk to the public, and (3) reintegrate the offender into a law-abiding lifestyle. There are more than 109,712 active offenders under federal supervision in the United States; 91 percent of them are felons. More than 77,332 are on **supervised release**, which is a term of supervision that the court imposes to follow a period of imprisonment. Nearly 30,000 offenders are on probation.⁹⁴

About 8,000 people are on parole. Federal parole has an interesting and convoluted history. Federal parole was enacted in 1910 along with three parole boards consisting of the warden of the federal institution (three federal penitentiaries existed in 1910), the physician in the institution, and the Superintendent of Prisons of the Department of Justice. A single federal board of parole was created in 1930. In 1976, the United States Parole Commission was established after the passage of the Parole Commission and Reorganization Act. The Comprehensive Crime Control Act of 1984 created the United States Sentencing Commission to establish sentencing guidelines for the federal courts and a regime of determinate sentences. These sentencing guidelines went into effect on November 1, 1987, thus defendants sentenced on or after that date

served determinate terms and were not eligible for parole consideration. For all intents and purposes, federal parole was abolished in 1987, and federal correctional clients who were not in a Bureau of Prison facility were dubbed “supervised releases.”

“The nation has invested billions of dollars into locking up offenders. The policies around reentry have become increasingly an avoidance of risk. As a result, we have created a revolving door of offenders who will be committed to prison time and again as they fail in the community.”^{95, p. 381}

Due to federal offenders who were sentenced prior to November 1, 1987, the United States Parole Commission has been unable to be legally phased out. Federal parole has been extended via the Judicial Improvements Act of 1990, the Parole Commission Phase-out Act of 1996, and the 21st Century Department of Justice Appropriations Authorization Act of 2002. Once the final federal offender sentenced before November 1, 1987, terminates his or her case, federal parole will end. Ultimately, the United States Probation and Pre-trial Services System monitors all federal supervised release clients.⁹⁶

In sum, the correctional system is a considerable presence in American society. It accounts for billions of dollars of expenditures at the local, state, and federal levels, employs millions of practitioners, and affects the lives of millions of correctional clients and their families. Although the correctional situation today is unique to contemporary America, many of the underlying philosophical issues in corrections have been in place since time immemorial. The history of corrections is explored in the next chapter.

WRAP UP

Chapter Summary

- The correctional system spans the pretrial and post-trial phases and supervises defendants throughout the criminal justice process.
- Like all components of the criminal justice system, offenders are diverted from the correctional system to facilitate rehabilitation, ensure public safety, and balance costs.
- An individual's criminality and risk are the fundamental determinants of placement along the continuum of sanctions.
- Correctional supervision occurs in the community, with fines, community service, deferred sentences, home detention, probation; and within institutions, including jail and prison.
- More than 7 million defendants are under correctional supervision, more than 2 million are incarcerated, and tens of billions of dollars are spent annually to operate the correctional system.
- The correctional system has pervasive impact on neighborhoods in high-crime areas and produces important sociological and societal implications for American society.
- Correctional clients create assorted social problems, including crime and recidivism, family disruption, and public health risks.
- The federal correctional system maintains its own system just as cities, counties, and states operate independent correctional systems.

Key Terms

aggravating factors Circumstances that seem to increase the culpability of the offenders.

bond A pledge of money or some other assets offered as bail by an accused person or his or her surety (bail bondsman) to secure temporary release from custody.

boot camps/shock incarceration Short-term incarceration programs that incorporate the strict discipline, hard labor, and physical training of military basic training followed by an aftercare program that contains conditions and treatment.

community corrections Sanctions that allow criminal offenders to remain in the community as long as they abide by certain conditions, such as maintaining employment, participating in drug treatment, or undergoing psychological treatment.

community service A form of restitution that involves civic participation toward the improvement of the community.

continuum of sanctions A range of sanctions or legal penalties that balance punishment, treatment, and supervision concerns with the seriousness of the offense and the offender's criminal convictions.

corrections The collection of local, state, and federal agencies that supervise and treat criminal defendants.

courts A major component of the criminal justice system comprised of prosecutors, defense counsel, and judges that perform a variety of functions, foremost of which is to serve as a check and balance on the police.

criminality The propensity towards antisocial behavior that a defendant embodies.

day reporting Sanction that requires defendants to report to an official criminal justice facility, such as a jail, on a daily basis to check in and demonstrate to correctional staff that they are complying with the conditions of their current legal status.

defendant The person accused of a criminal violation.

deferred prosecution, judgment, or sentence A sentence whereby the defendant pleads guilty in exchange for a suspended sentence that will be voided and expunged if the defendant complies with certain conditions.

discretion The latitude to choose one course of action or another.

discretionary parole Release that occurs when parole boards have the discretionary authority to conditionally release prisoners based on a statutory or administrative determination of eligibility.

Eighth Amendment Amendment to the Bill of Rights of the United States Constitution that states that “excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”

electronic monitoring (EM) The use of surveillance technology to monitor offenders in the community. *Also see* home detention and house arrest.

expungement The complete removal of a criminal record from existence.

extralegal variables Factors that influence criminal justice discretion but are not legally relevant, such as demographic characteristics.

Federal Bureau of Prisons (BOP) The prison component of the federal system.

fines Monetary payments imposed on criminal offenders as a way to repay society for the offenders’ violations of the law.

forfeiture The loss of ownership of some property or asset for its illegal use.

halfway houses/residential treatment Describes the confinement status of a criminal defendant who is partially confined and partially integrated into the community.

home detention Community corrections that permit offenders to serve sentences in their homes while maintaining employment and community ties.

house arrest A sanction where the offender must not leave his or her home with the exception of court approved times for work and treatment. *Also see* home detention and electronic monitoring.

inmate (or prisoner) A defendant who has been sentenced to jail or prison.

institutional corrections Confinement or the physical removal from society as a means of supervision.

jail A local correctional facility usually operated by a county sheriff’s department and used for the short-term confinement of petty offenders, misdemeanants, persons convicted of low-level felonies, and persons awaiting transport to some other criminal justice or social service agency.

legal variables Legally relevant factors, such as offense severity, prior criminal record, and number of charges.

mandatory parole Type of parole that occurs in jurisdictions using determinate sentencing statutes where inmates are conditionally released from prison after serving a portion of their original sentences minus any good time earned.

mitigating factors Circumstances that seem to reduce the culpability of the offender.

net widening The growing of the correctional population by supervising an increasing number of offenders in the community.

parole Form of correction in which the convicted person completes a prison sentence in the community rather than in confinement.

police Also known as law enforcement, the part of the criminal justice system that responds to

citizen complaints, provides basic services such as traffic control, enforces the criminal law, and in doing so, initiates criminal cases.

post-trial or post-adjudication The stage of the criminal justice system after defendants have pleaded guilty or been found guilty.

presentence investigation (PSI) report A report prepared for the court that summarizes the defendant's social and criminal history for the purpose of sentencing.

pretrial supervision The correctional supervision of a defendant who has been arrested, booked, and bonded out of jail.

prison A correctional facility used to confine persons convicted of serious crimes and serving sentences of usually more than 1 year.

prisoner See inmate.

probation A sanction for criminal offenders who have been sentenced to a period of correctional supervision in the community in lieu of incarceration.

probation officer The practitioner who oversees and monitors a probationer's case to determine that the defendant is complying with all conditions of probation.

residential treatment See halfway houses/residential treatment.

restitution Money paid to the crime victim to recoup some of the harm caused by the offender's wrongful acts.

shock incarceration See boot camps/shock incarceration.

supervised release In the federal system, a term of supervision that the court imposes to follow a period of imprisonment.

Critical Thinking Questions

1. What is the reputation of the American correctional system? Is it too big? Costly? In what ways do the American media portray the correctional system?
2. What should be the overriding goal of the criminal justice system? Does public safety currently take precedence over individual rights? Does the balance between protecting the public and protecting the defendant vary by state?
3. Should offenders convicted of certain crimes only be punished by confinement? Should community corrections opportunities be afforded to all offenders, or do some correctional clients pose too great a risk?
4. What typifies dangerousness in a correctional client? Which behavioral and attitudinal factors come to mind?
5. Is it okay that people receive differential treatment in the justice system? Is it naïve to think otherwise?

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