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CORRECTIONS in the 21st Century

Frank Schmalleger ► John Ortiz Smykla

Third Edition

CORRECTIONS **21st** **IN THE** **Century** Third Edition

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Corrections in the 21st Century

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► ► ► **DEDICATION** ►

**For my granddaughters,
Malia and Ava**

—Frank Schmallegger

A mi esposa, Evelyn, con amor siempre

—John Smykla

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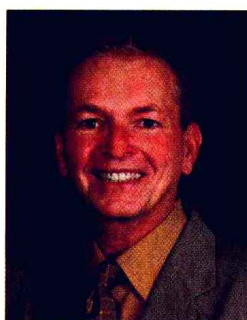
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Dr. Schmallegger is also the creator of a number of award-winning Web sites (including cybrary.info and crimenews.info) and founder and codirector of the Criminal Justice Distance Learning Consortium (cjdcl.org), a project of the Justice Research Association.



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Using multimedia, Dr. Smykla teaches courses in corrections and research methods. He has taught two-way interactive corrections courses across several campuses of the University of Alabama system and has supervised more than 50 master's and doctoral students. Dr. Smykla earned the interdisciplinary social science Ph.D. in criminal justice, sociology, and anthropology from Michigan State University. He holds bachelor's and master's degrees in sociology from California State University at Northridge.

Dr. Smykla has authored or edited four corrections books. His coauthored data set *Executions in the United States, 1608–2003: The Espy File* is one of the most frequently requested criminal justice data files from the University of Michigan's Inter-University Consortium for Political and Social Research.

Dr. Smykla has published more than 40 research articles on corrections issues, including "The Human Impact of Capital Punishment," "Effects of a Prison Facility on the Regional Economy," "Jail Type and Inmate Behavior," "Juvenile Drug Courts," and, most recently, "Correctional Privatization and the Myth of Inherent Efficiency." Dr. Smykla has delivered more than 50 conference papers in the United States and abroad. In 1986, he was a Senior Fulbright Scholar in Argentina and Uruguay.

Dr. Smykla is a member of the Academy of Criminal Justice Sciences and the Southern Criminal Justice Association. In 1996, the Southern Criminal Justice Association named him Educator of the Year. In 1997, he served as program chair for the annual meeting of the Academy of Criminal Justice Sciences. In 2000, he served as president of the Southern Criminal Justice Association.

Preface

Corrections, when seen as the control and punishment of convicted offenders, has been an important part of organized society from the earliest days of civilization. It has not always had a proud past, however. In premodern times, atrocious physical punishment, exile, and unspeakable torture were the tools used all too often by those called upon to enforce society's correctional philosophies—especially the strongly felt need for vengeance.

Important changes in correctional practice began around the time of the American Revolution, when the purposes of criminal punishments were closely examined by influential reformers. More recently, corrections has become an important field of study in which scientific techniques are valued and reasoned debate is encouraged.

The best, however, is yet to come. It is only within the past 30 years that conscientious corrections practitioners have begun to embrace the notion of professionalism—wherein ethics, a sense of high purpose, a personal long-term career commitment, a respect for the fundamental humanity of those supervised, and widely agreed-upon principles and standards guide the daily work of correctional personnel. Corrections professionalism, while not yet as well known as police professionalism, has garnered support from policymakers and is winning respect among the public. It serves as this textbook's organizing principle.

Corrections in the 21st Century:

- provides an in-depth look at the past, present, and future of corrections;
- identifies the many *subcomponents* of modern-day corrections;
- highlights the *process* of modern-day corrections;
- focuses on the *issues* facing the correctional enterprise today;
- provides an appreciation for contemporary real-world correctional *practice*;
- examines the opportunities represented by new and developing corrections *technologies*; and

- points students in the direction of the still-emerging ideal of corrections *professionalism*.

It is our belief that a new age of corrections is upon us. It is an age in which the lofty goals of corrections professionalism will take their place alongside the more traditional components of a still-developing field. It is our hope that this textbook will play at least some small part in helping to bring about a new and better correctional enterprise—one that is reasonable and equitable to all involved in the justice process.

THE THIRD EDITION

The third edition of *Corrections in the 21st Century* includes 17 chapters whose organization reflect aspects of the correctional process. Chapters are grouped into five parts, each of which is described in detail below. We have also added a new chapter to this edition—Chapter 17, “Professionalism in Corrections”—to bring added attention to the important role that professionalism plays in 21st-century American corrections.

The third edition of *Corrections in the 21st Century* contains a number of notable and exciting elements. Among these are feature articles provided by *Corrections Connection Network News* (CCNN) exclusively for this textbook, and *Reflections on the Future* essays written specifically for this text by well-known corrections practitioners and scholars.

This new edition also contains expanded or updated material on:

- *American Correctional Association policy statements*—including policy statements on the employment of women in corrections, the purposes of sentencing, the role of higher education in corrections, inmate classification, community corrections, offenders with special needs, restoration of voting rights for felony offenders, offenders' reentry, parole: private sector involvement in corrections, technology, and standards and accreditation.

- *American Probation and Parole Association policy statements*—including expanded coverage of policy statements on probation, as well as the APPA Code of Ethics.
 - *American Jail Association policy statements*—including the AJA Code of Ethics and Mission Statement.
 - *The impact of terrorism on corrections*—substantially enhanced to include discussion of inmate involvement in terrorist activities, the impact of a terrorism event within the community in which a facility is located, and the threat of a terrorist act being undertaken by an inmate or inmates within a facility. The important role played by correctional personnel in preventing future attacks of terrorism and in averting crises that could arise in correctional institutions as a result of terrorist action is also discussed, as is the impact of terrorism on facility management.
 - *Evidence-based penology*—the application of social-scientific techniques to the study of everyday corrections procedures for the purpose of increasing effectiveness and enhancing the efficient use of available resources.
 - *The Unborn Victims of Violence Act*—better known as “Laci and Conner’s Law,” the act that made it a separate federal crime to “kill or attempt to kill” a fetus “at any stage of development” during an assault on a pregnant woman.
 - *The 2004 Crime Victims’ Rights Act*—part of the Justice for All Act of 2004, which established statutory rights for victims of federal crimes and gave victims the necessary legal authority to assert those rights in federal court.
 - *The 2004 Innocence Protection Act*—including the Kirk Bloodsworth Post-Conviction DNA Testing Program focused on reducing the risk of executing the innocent.
 - *Social diversity in corrections*—including the imprisonment of women and minorities, as well as gender-responsive correctional strategies that are designed to create an environment that reflects an understanding of the realities of women’s lives and addresses the needs of women.
 - *The 2003 Prison Rape Elimination Act (PREA)*—the act that established the federal Prison Rape Commission and that calls for an evaluation of issues related to sexual violence in prison as well as for the development of national standards to help prevent prison rape.
 - *The federal court takeover of California’s prisoner health care system*—the largest prisoner health care system in the United States.
 - *The GPS monitoring of parolees.*
 - *Compensation laws* addressing the needs of the wrongfully convicted.
 - *Parole reentry research*—including discussion of the three Rs of reentry (reparative justice, relationships, and responsibility).
 - *Telemedicine* and technology’s impact on corrections—including discussion of advanced technologies, such as biometrics and three-dimensional computer modeling, that are changing the ways offenders are recognized and tracked.
 - *The role of faith-based initiatives* in community and institutional correctional settings—ranging from jails and prisons offering a few religious services, to one or more housing units within a prison that are faith-based, to entire faith-based prisons.
 - *Offender reentry initiatives*—efforts that became a national priority when President Bush called for action to expand job training, placement services, and transitional housing for parolees.
- High-profile events and cases taken from today’s headlines are used to introduce each chapter, encouraging students to read on. Some of the interesting events incorporated into this edition include:
- the tragic impact of Hurricane Katrina on Gulf Coast residents, and the need for effective corrections disaster planning that it demonstrated;
 - the infamous incidents of prisoner mistreatment at the American-run Baghdad Central Detention Facility in Iraq, formerly known as Abu Ghraib prison;
 - coverage of the HBO hit series *Oz*, describing the fictional Oswald Maximum Security Prison;
 - the rejection by California voters in 2004 of Proposition 66, a ballot initiative that would have changed the state’s three-strikes law so

that only specified serious or violent crimes could be counted as third strikes;

- the release from death row of Kirk Bloodsworth—the first person in the United States to be cleared of a capital murder charge after DNA testing proved his innocence;
- the story of Roderick Johnson, the former Texas prison inmate who claims that he was raped by hundreds of men while incarcerated;
- the rearrest and incarceration of Adam Morales—a Texas gang member who served 10 years in solitary confinement.
- the story of Jennifer Wilbanks, the Duluth, Georgia, runaway bride, sentenced to two years' probation, community service, counseling, and restitution for making false statements to police about her alleged abduction just days before her planned April 30, 2005, wedding;
- the November 19, 2004, nationally televised NBA 12-minute brawl between Detroit Pistons' and Indiana Pacers' players and fans that resulted in criminal charges against nine fans and five Pacers' players;
- the story of Jamal Lewis, the Baltimore Ravens running back sentenced to four months in federal prison for using his cell phone to arrange a drug deal; and
- the 2005 release to parole of Martha Stewart, after she served five months' imprisonment at the federal prison camp at Alderson, West Virginia.

A number of recent court decisions, especially those of the U.S. Supreme Court, have been incorporated into this new edition. A complete list of cases appears at the end of the text, but some of the most recent included cases are:

- The combined cases of *U.S. v. Booker* and *U.S. v. Fanfan* (U.S. Supreme Court, 2005), which addressed the constitutionality of federal sentencing practices;
- *Wilkinson v. Austin* (U.S. Supreme Court, 2005), which upheld an Ohio policy allowing the most dangerous offenders to be held in "supermax" cells following several levels of review prior to transfer;
- *Banks v. Beard* (Third Circuit U.S. Court of Appeals, 2005), which held that prison officials in Pennsylvania could not prohibit

even the most violent inmates from receiving magazines, photographs, and newspapers sent to them through the mail;

- *Benning v. State* (Eleventh Circuit U.S. Court of Appeals, 2005), which found in favor of a Georgia state prison inmate who claimed that the federal Religious Land Use and Institutionalized Persons Act of 2000 supported his special religious needs as a "Torah observant Jew";
- *Overton v. Bazzetta* (U.S. Supreme Court, 2003), which upheld visitation regulations established by the Michigan Department of Corrections that denied most visits to prisoners who had committed two substance-abuse violations while incarcerated; and
- *Roper v. Simmons* (U.S. Supreme Court, 2005), which said that it was unconstitutional and in violation of the Eighth Amendment's ban on cruel and unusual punishment to execute people for crimes they committed before their 18th birthday.

ORGANIZATION

As mentioned, this book is organized into five parts. Part One, "Introduction to Corrections," provides an understanding of corrections by explaining the goals underlying the correctional enterprise and by describing the how and why of criminal punishments. Part One identifies professionalism as the key to managing successfully correctional personnel, facilities, and populations. Standard-setting organizations such as the American Correctional Association, the American Jail Association, the American Probation and Parole Association, and the National Commission on Correctional Health Care are identified, and the importance of professional ethics for correctional occupations and correctional administrators is emphasized.

Part Two, "Community Corrections," explains what happens to most convicted offenders, including diversion (the suspension of formal criminal proceedings before conviction in exchange for the defendant's participation in treatment), probation, and intermediate sanctions.

Part Three, "Institutional Corrections," provides a detailed description of jails, prisons, and parole. The reentry challenges facing inmates re-

leased from prisons are explained. Education, vocational preparation, and drug treatment programs that are intended to prevent reoffending are also explored.

Part Four, “The Prison World,” provides an overview of life inside prison from the point of view of both inmates and staff. Part Four also describes the responsibilities and challenges surrounding the staff role. A special chapter, Chapter 12, focuses attention on special correctional populations, including the elderly, HIV/AIDS-infected inmates, and the mentally and physically challenged. We have chosen to integrate our coverage of women in corrections—including information about the important new NIC report entitled “Gender Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders”—throughout the body of the text rather than isolating it in Chapter 12.

Part Five, “Issues in Corrections,” explores some of the most controversial topics in contemporary corrections. Prison crowding, capital punishment, the conditional rights of prisoners, and juvenile corrections can all be found in this section of the text. Victims’ rights and the role that correctional authorities can play in protecting and advancing those rights are also explored. A new chapter, “Professionalism in Corrections,” concludes the section.

PEDAGOGICAL AIDS

Working together, the authors and editor have developed a learning system designed to help students excel in the corrections course. In addition to the many changes already mentioned, we have included a wealth of new photographs to make the book even more inviting and relevant.

To this same end, our real-world chapter-opening vignettes give the material a fresh flavor intended to motivate students to read on; our photo captions, which raise thought-provoking questions, actively engage students in the learning process; and our marginal quotations spotlight intriguing details under discussion and draw students into those discussions. Redesigned and carefully updated tables and figures highlight and amplify the text coverage. And chapter outlines, objectives, and reviews, plus marginal definitions and an end-of-book glossary, all help students master the material.

The Schmallegger/Smykla learning system goes well beyond these essential tools, however. As mentioned, *Corrections in the 21st Century* offers a unique emphasis on corrections professionalism, an emphasis that has prompted us to create a number of innovative new learning tools that focus on the real world of corrections:

- *Reflections on the Future*—contributed essays from some of the field’s most respected scholars and practitioners that offer insights into the future of sentencing, jails, parole, and other institutions in American corrections.
- *Corrections Connection Network News*—exclusive feature articles from a popular Web site for corrections practitioners that lend a real-world air to the text.
- *Career Profiles*—enlightening minibiographies of corrections professionals, such as a parole officer, a victim advocate, a corrections officer, a youth counselor, and a substance abuse manager.
- *Offender Speaks and Staff Speaks*—intriguing interviews with offenders and practitioners that provide a balance of perspectives and further expand on the text’s real-world emphasis.
- *Ethical Dilemmas*—challenging issues confronted by corrections professionals on the job.
- *Talking About Corrections*—Web-based on-demand audio features in which corrections professionals discuss important issues relating to today’s correctional enterprise.
- *Award Profiles*—boxes profiling staff members recognized as the “best of the best” in their correctional career fields.
- *Live Links*—important corrections-related full-text articles on the Internet.
- *Two special chapters*: (1) “Special Prison Populations: The Elderly, HIV/AIDS, and the Mentally Challenged,” which brings focus to the discussion of special populations in corrections, and (2) “Professionalism in Corrections,” which draws together the book’s professionalism theme.
- *Appendix: Careers in Corrections*—an appendix that presents the steps involved in planning a career, developing employability and job readiness, and finding the right job.

In addition to the features we have developed to further our goal of creating a uniquely practical, professionally oriented text, we have also included end-of-chapter review material to help students master the concepts and principles developed in the chapter:

- *Chapter Summary*—a valuable learning tool organized into sections that mirror the chapter-opening objectives exactly; the summary restates all of the chapter's most critical points.
- *Key Terms*—a comprehensive list of the terms defined in margins of the chapter, complete with page references to make it easy for students to go back and review further.
- *Questions for Review*—objective study questions that allow students to test their knowledge and prepare for exams.
- *Thinking Critically About Corrections*—broad-based questions that challenge students to think critically about chapter concepts and issues.
- *On-the-Job Decision Making*—unique experiential exercises that enable students to apply what they have learned in the chapter to the daily work of correctional personnel.
- *Corrections on the Web*—Internet-based exercises that are ideal for today's Web-oriented learner.

SUPPLEMENTS PACKAGE

As a full-service publisher of quality educational products, McGraw-Hill does much more than just sell textbooks. The company creates and publishes an extensive array of print, video, and digital supplements for students and instructors. This edition of *Corrections in the 21st Century* is accompanied by an extensive, comprehensive supplements package.

For the Student

- *Online Learning Center Web Site*—an innovative, text-specific Web site featuring PowerWeb

(online access to articles from the popular and scholarly press, weekly updates, and daily newsfeeds) as well as flashcards that can be used to master vocabulary, multiple quizzes with feedback that students can use to study for exams, downloadable state supplements, and more. Visit our dynamic site at www.mhhe.com/schmalleger3.

For the Instructor

- *Annotated Instructor's Edition*—a special edition of this textbook containing numerous instructional tips and tools, including teaching tips, student involvement exercises, professional issues for discussion, and hands-on "Web-Informed Viewpoints" exercises.
- *Instructor's Resource CD*—a single CD-ROM with an easy-to-use interface providing access to a wide array of important ancillaries:
 - *Instructor's Manual/Testbank*—detailed chapter objectives, outlines, summaries, key terms, homework assignments, and a complete testbank.
 - *Computerized Testbank*—easy-to-use modifiable EZTest computerized testbank.
 - *PowerPoint Slides*—complete, chapter-by-chapter slide shows tied directly to the text.
- *Online Learning Center Web site*—password-protected access to important instructor support materials and resources. Visit our site at www.mhhe.com/schmalleger3.
- *Classroom Management Systems*—Online content for the third edition of the Schmalleger/Smykla text is supported by Blackboard, WebCT, eCollege.com, and other course management systems. Additionally, McGraw-Hill's PageOut service is available to help instructors get their course up and running in a matter of hours at no cost. No programming knowledge is required. To find out more about PageOut, ask your McGraw-Hill sales representative for details, or go to www.mhhe.com/pageout.

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Frank Schmallegger
John Smykla

Chicago thug Jose Padilla, aka Abdullah al-Muhamar, who converted to Islam after exposure to Wahhabism while serving time in a Florida jail. Authorities claim Padilla intended to contaminate a U.S. city with a radiological dirty bomb. Similarly, convicted shoe bomber Richard Reid converted to radical Islam while in an English prison before planning his attack on an American Airlines flight from Paris to Miami.¹⁶

In 2004 the Office of the Inspector General of the U.S. Department of Justice released a review of the practices used by the federal Bureau of Prisons in selecting Muslim clergy to minister to inmates in the bureau's facilities. The report concluded that the primary threat of radicalization came not from chaplains, contractors, or volunteers but from inmates. According to the report, "[I]nmates from foreign countries politicize Islam and radicalize inmates, who in turn radicalize more inmates when they transfer to other prisons."¹⁷ The report also identified a form of Islam unique to the prison environment called "Prison Islam." "Prison Islam," the report said, is a form of Islam that is used by gangs and radical inmates to further unlawful goals. It adapts itself easily to prison values and promotes the interests of the incarcerated. Prison Islam was found to be especially common in institutions where religious services are led by lay *Maulanas* (spiritual leaders, who are often inmates)—a practice made necessary by a lack of Muslim chaplains. The report recommended that "the BOP can and should improve its process for selecting, screening, and supervising Muslim religious services providers. We recommend," and the report, that "the BOP take steps to examine all chaplains', religious contractors', and religious volunteers' doctrinal beliefs to screen out anyone who poses a threat to security."

The threat of a terrorist act being carried out by inmates within a prison or jail can be an important consideration in facility planning and management. Of particular concern is the possibility of biorrorism. A concentrated population such as exists within a prison or jail would be highly susceptible to rapid transmission of the ill effects from such an attack.¹⁸

As the United States faces more and more threats of terrorism, it is likely that the issues identified here will take on greater significance for correctional facilities throughout the nation and around the world.



Indonesian terrorist Irawan Samudra in prison in Bali awaiting execution. Samudra was convicted of masterminding terrorist bombings that killed 202 people in 2002 and sentenced to death by firing squad. While imprisoned, Samudra wrote a jailhouse manifesto on the funding of terrorism through cyberfund.

Latest Developments in Corrections

Developments in corrections that have occurred post-9/11 in American history include discussion of inmate involvement in terrorist activities and the important role played by correctional personnel in preventing future attacks.

Cutting-edge use of technology in corrections, such as global positioning system devices, electronic monitoring, and ground-penetrating radar, is featured.

CHAPTER 15 DEATH: THE ULTIMATE SANCTION

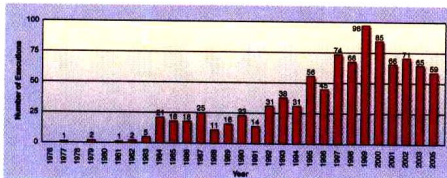


EXHIBIT 15-2
People Executed, 1976–2005

Source: Thomas P. Houston and Terry L. Smith, *Capital Punishment 2004* (Washington, DC: U.S. Department of Justice, November 2005) and Death Penalty Information Center, www.deathpenaltyinfo.org.

appeal and was executed by firing squad on January 17, 1977, by the State of Utah.

The number of executions from 1976 through 2005, is shown in Exhibit 15-2.

Today in the United States, what constitutes a capital crime—a crime that is punishable by death—is defined by law. This definition varies among jurisdictions. In Louisiana, for example, first-degree murder, aggravated rape of a victim under age 12, and treason are capital crimes. In Nevada, first-degree murder with at least 1 of 14 aggravating circumstances is a capital crime. In Texas, murder of a public safety officer or fire fighter; murder during the commission of kidnapping, burglary, robbery, aggravated sexual assault, arson, or obstruction or retaliation; murder for remuneration; murder during prison escape; murder of a correctional employee; murder by a state prison inmate who is serving a life sentence for any of five offenses (murder, capital murder, aggravated kidnapping, aggravated sexual assault, or aggravated robbery); multiple murders; and murder of an individual under six years of age are capital crimes.¹⁹

THE FEDERAL DEATH PENALTY

The Constitution of the United States does not mention the death penalty, but it does permit the federal government to deprive citizens of life after giving due process. In 1790, the first Congress mandated the death penalty for several offenses, including treason, willful murder on federal property, forgery, piracy, counterfeiting, and several crimes on the high seas, and the

capital crime

A crime for which the death penalty may but need not necessarily be imposed.

As DRCs move into the 21st century, a number of policy issues will influence their development and implementation. These issues are (1) ensuring offenders' access to services, (2) responding to violations of DRC regulations in ways that will not add to jail and prison crowding, and (3) conducting evaluation of DRC programs. Charles Hahn and James Davis conclude that, "since most offenders are ultimately going to be released from incarceration, it is essential that we experiment with and evaluate innovative community-based programs [such as day reporting centers] that will enable offenders to reintegrate into society."²⁰

Remote-Location Monitoring Technologies that probation and parole officers use to monitor remotely the physical location of an offender are known as remote-location monitoring. For example, home-based electronic monitoring (EM) is often used by officers to monitor remotely offenders who are restricted to their homes. It is estimated that from 1994 to 1998, the number of EM programs jumped from 400 to 1,500, and the number of offenders on EM rose from 12,000 to 95,000.²¹ (While it is commonplace to refer to home confinement as EM, the acronym actually refers to a technological tool for monitoring a participant's compliance with some of the rules of the overall home confinement program.)

Remote-location monitoring uses technological systems such as EM, the global positioning system (GPS), voice verification, and other tracking systems to verify a person's physical location, either periodically or continuously, 24 hours a day. An offender's compliance with the conditions of supervision may require him or her to schedule appointments, conduct a job search, and maintain regular employment. Location monitoring systems provide a tool to verify—in real time—a person's whereabouts for specific risk issues or court-ordered release conditions. In this way, technology aids the officer in effectively satisfying specific supervision functions.

A major benefit of remote-location monitoring is that it costs significantly less than incarceration. Another is that it allows defendants and offenders to continue to contribute to the support of their families and pay taxes. Moreover, courts may order program participants to pay all or part of the costs. Depending on the type of equipment used, the cost of remote-location monitoring ranges from \$5 per day for traditional EM ankle or wrist bracelets to \$25 per day for the GPS tracking unit.

The GPS is a collection of 24 satellites owned and controlled by the U.S. Department of Defense that provides highly accurate, worldwide positioning and navigation information, 24 hours a day. The satellites orbit the earth every 12 hours. Although originally designed and developed for use in military applications, car manufacturers now install GPS units so that owners of private vehicles can plan a trip, get directions while on the road, or call for emergency assistance. GPS units are also used in fleet vehicles; public transportation systems; delivery trucks; courier services; police, fire and emergency vehicles; and even wildlife management to map, survey, and keep track of endangered animals.

remote-location monitoring

Techniques, including global positioning system (GPS) devices and electronic monitoring (EM), that probation and parole officers use to monitor remotely the physical location of an offender.



A probation officer attaches an electronic bracelet to an offender's ankle in order to monitor remotely the physical location of the offender. Remote-location monitoring technologies such as electronic monitoring, Global Positioning Systems and voice verification provide judges with an expanded menu of corrections options. What are the pros and cons of remote-location monitoring as a probationary strategy?

Up-to-the minute data from the most current FBI, Bureau of Justice Statistics, and Corrections Compendium sources appear throughout the text.

New Cases/New Chapter

High-profile faces and cases taken from today's headlines are used to introduce each chapter in a student-friendly, engaging style. These real-world chapter-opening vignettes give students both timely coverage and the background needed to understand the important role of corrections.

► **DMX (Dark Man X) was born Earl Simmons in Baltimore, Maryland,** on December 18, 1970. Following the death of Tupac Shakur and the Notorious B.I.G., DMX took over as the reigning and undisputed king of hardcore rap.



Talent and street credibility contributed to Simmons's rapid ascent to stardom. That street credibility, however, came at a price. Simmons had a troubled and abusive childhood in the New York City suburb of Yonkers. He spent a great deal of time surviving alone on the streets, in juvenile detention, and in group homes. Without resolve, Simmons's juvenile problems have become adult crimes.¹

Since 1989, Simmons has been arrested at least nine times. He's been charged with DUI, endangering the welfare of a child, assault, road rage, attempted robbery, criminal impersonation, criminal mischief, and, in Trinidad, using obscene language. His most recent offense occurred on Friday, April 16, 2004, at 8 p.m., when Simmons, who had his pregnant wife, Tashera Simmons, and two children as passengers, triggered a three-car collision. He rear-ended a stationary car in the southbound lanes of the Major Deegan Expressway in the Bronx, pushing that car into the back of a police car. The female driver of the car that DMX bumped and the two police officers were treated for neck and back injuries at local hospitals and released. Simmons was arrested for driving with a suspended license and released. The charges are still pending.

Ten months earlier, on June 24, 2004, Simmons and a friend, Jackie Hudgins, were late for a flight at Kennedy Airport. Simmons was driving his black personalized 1998 Ford Expedition. He and another driver were after the same parking spot. Simmons chased the driver using his unauthorized flashing lights and sirens. The driver exited the parking lot with Simmons still chasing him. Simmons told the toll booth attendant that he shouldn't have to pay the \$9 parking fee because he was a federal agent. When the attendant refused to waive the fee, Simmons crashed through the toll gate and continued to chase the other driver. When Simmons caught up with the driver, he identified himself as an FBI agent, grabbed the driver's seat

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► **On March 5, 2004, a federal jury in the Southern District of New York** found lifestyle guru and billionaire Martha Helen Stewart guilty on four counts of obstructing justice and lying to investigators about her 2001 sale of 3.928 shares of ImClone Systems stock, one day before the Food and Drug Administration announced it would not grant approval for Erbitux, a cancer drug produced by the company. Federal judge Miriam Goldman Cedarbaum sentenced Stewart to five months imprisonment followed by a two-year term of supervised release (parole), including five months of home monitoring, and ordered her to pay \$30,000 in fines.¹




On October 8, 2004, Stewart arrived at the Federal Prison Camp, Alderson, West Virginia, a minimum-security facility that houses approximately 1,050 inmates. She was given federal inmate register number 55170-054, and inmates gave her the nickname "M Diddy."

Stewart chose to begin serving her prison term on October 8, 2004, even though her appeal was not resolved. Some argue it was a business decision—the faster she served her sentence, the better it was for her company (Martha Stewart Living Omnimedia), which had to deal with plummeting stock and the uncertainty of her appeal.

On March 4, 2005, Stewart, 63, was released from federal prison to complete the remaining portion of her sentence, two years' supervised release including five months of home monitoring wearing an electronic ankle bracelet. Stewart is only one of forty offenders in the Southern District of New York subject to the special condition of home monitoring with an ankle bracelet. The electronic monitor attached to her ankle is an inch-wide band with a 4- by 3-inch transmitter connected via radio waves to a transmitter in her \$15 million, 153-acre Bedford, New York, estate. The transmitter is tied to a phone line that is connected to the probation department.

Other special conditions of her parole set by Chris Stanton, her federal probation officer, include confinement to her home for 120 hours a week, leaving only 48 hours each week that she can leave home for employment, medical and dental appointments, food shopping, and religious observance, and submission of a weekly

2005, at 12:30 a.m., Martha Stewart was released from Hoon Camp, Alderson, West Virginia, a minimum-security housing approximately 1,050 female offenders, sentenced to serve five months of home monitoring, and \$30,000 in fines. She was due to complete five months of home monitoring on August 13, 2005, but her home confinement was six weeks. Stewart was seen riding on off-road vehicles and driving a piggy back nearby. Her probation officer if those were violations. According to the conditions of her parole, Stewart was to remain inside her home except for work of employment, food shopping, doctor appointments, and religious observance. Do you think persons who violate the conditions should be incarcerated?



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CHAPTER

Professionalism in Corrections

► **CHAPTER OBJECTIVES**

After completing this chapter you should be able to do the following:

- 1 List the pressures that corrections faces as a result of the expansion of prison construction.
- 2 List the ways that advances in technology help corrections.
- 3 Discuss the impact of 9/11 on corrections budgets.
- 4 Outline the results of the Correctional Education Association's three-state recidivism study of education.
- 5 Discuss why it is difficult to recruit correctional staff.
- 6 Discuss professionalism among the execution team.
- 7 Discuss the nature of professionalism.
- 8 Describe the differences between a professional and a nonprofessional.
- 9 Describe the ways a correctional leader can foster professionalism.
- 10 Explain what professional development is and list three ways it can be achieved in corrections.

CHAPTER OUTLINE

TODAY'S CHALLENGES

- The Expansion of Prison Construction
- Who Is Entering Our Jails and Prisons?
- New Technology
- The Effects of 9/11
- The Public Image of Corrections
- Safety First
- Inmate Programs Second
- Recruitment
- The Importance of Training
- Execution Teams
- Immunity

PROFESSIONALISM

- The Need for Professionalism
- What Is Professionalism?
- How to Foster Professionalism
- Relationships
- Participation in the Larger Corrections Community
- Professional Development
- Employee Recognition

“Professionals have a love for their work that is above that of employment merely to receive a paycheck.”

—Judge Arliss Adams, United States Court of Appeals 1989

This chapter was contributed by William Sondervan, M.S., J.D., with the assistance of Ania Dobrzanska, M.S., J.D., who is currently in the Department of Professional Development of the American Correctional Association and previously served for five years in the Department of the Maryland Division of Corrections. Dr. Sondervan earned a B.S. in Business Administration from the College of New Jersey, an M.S. in Community Psychology from Boston University, an M.A. in Criminal Justice from Jacksonville State University, and an M.S. in Adult Correction and Human Services from Virginia Polytechnic Institute and State University. He also earned a Ph.D. in Criminal Justice from the University of North Carolina. He is currently a Ph.D. candidate at the University of North Carolina. He earned a B.A. in Psychology and Administration of Justice from Rutgers University, and an M.S. in Justice, Law, and Society at American University.

New chapter on professionalism in corrections (Ch. 17), written by William Sondervan and Ania Dobrzanska of the American Correctional Association, highlights attention to the important role that professionalism brings to 21st-century American corrections.

Essays and Articles

Reflections on the Future essays, written specifically for this text by some of the field's most respected scholars and practitioners, offer insights into the future of sentencing, jails, parole, and other institutions in American corrections.

America's Sentencing Future

by Richard S. Frase
University of Minnesota

Reflections on the Future

Predicting the future is always a risky business, especially in the field of sentencing. Consider the revolutionary changes which have occurred in American sentencing during recent decades. Michael Toney has observed that if a group of judges from the 1970s were able to time-travel to a national sentencing conference 25 years later, most "would be astounded at a quarter century's changes."¹ In 1970, sentencing generated little controversy or attention. There was almost universal agreement that judges and correctional officials should have broad discretion in the imposition and execution of sentences, making highly individualized decisions based largely on assessments of the offender's need for, amenability to, and progress toward rehabilitation. By the early 1980s, political, media, legislative, and academic interest in sentencing had dramatically increased; rehabilitative goals had been abandoned or greatly de-emphasized, with sentences based much more on the severity of the conviction offense, judicial and correctional discretion had been considerably reduced by issues of sentencing guidelines, mandatory penalties, and parole abolition; and sentencing severity levels had increased dramatically. The early years of the new millennium witnessed major changes in sentencing procedures: in a series of cases the U.S. Supreme Court held that constitutionality limits increased the statutory maximum penalty, or which permit suspended sentences from the presumptive sentence under legally enforced sentencing guidelines, must be

submitted to the jury and proved beyond a reasonable doubt.² What changes will the next quarter century bring? Although the particulars of future sentencing systems are difficult to predict, we can foresee changes in the fundamental elements of sentencing policy and practice which will determine—through complex interactions—each jurisdiction's sentencing future. These basic elements involve sentencing purposes, alternatives, structures, and severity. There is good reason to expect further change in each of these areas based on past change, current trends, and the inevitable pendulum shifts in public, academic, and official thinking. We try one thing, get tired of it, and look for something new—or recycled.

Sentencing purposes will probably evolve into a hybrid approach combining elements of our current offense-based approach with greater attention to case- and offender-specific factors—in particular, rehabilitation and (re)integration efforts, risk management, and restorative justice goals. Community-based rehabilitation programs never disappeared, and the public never stopped believing that offenders can and should be helped not to re-offend. There has recently been much greater awareness of the critical importance of helping offenders into a stable, law-abiding life in the community—and, in particular, easing reentry of the large number of incarcerated offenders released into the community every day. Offender risk assessment and management (in lieu of massive over-incarceration), will be facilitated by steadily improving prediction tools and behavior controls. Victim- and community-restorative justice programs will continue to enjoy broad public support. Intervention, offense-based sentencing goals—just deserts, general deterrence, crime-reinforcement, and sentencing authority—will also remain popular. The inherent conflict between offense-based and offender-based or restorative goals will be reconciled by hybrid models such as Normel Morris's theory of Limiting Inflexibility: Just Deserts and other offense-based values set outer limits on maximum and minimum allowable sentencing severity, while which courts may pursue case-specific sentencing goals.³

Sentencing alternatives will continue to expand. Thirty years ago there were really only two alternatives: incarceration (in prison or a local jail), and probation (with few major conditions other than avoiding further crime). Since the late 1980s, more and more jurisdictions have experimented with "intermediate" sanctions such as intensive probation, day reporting centers, house detention, community service, and day fines. Since these measures are cheaper than incarceration and provide more control and punishment than probation, they are likely to be more and more heavily used. The pace of this growth will depend on whether states are willing to invest in staffing and other infrastructures to run these programs; many local jurisdictions do not have sufficient staff and/or resources to fund them. The specific types of intermediate sanctions used will

depend in part on the development of new technologies and our willingness to employ them—not only predictive tools (including biological as well as traditional predictors), but also electronic monitoring and the blocking of chemical abuse and violence through medication or surgery. Sentencing alternatives will further evolve. At present, most states still use some form of the 1970 intermediate sentencing system described above, often combined with various mandatory penalty provisions and limited or no parole release discretion ("truth in sentencing").⁴ Many states have successfully implemented guidelines (despite the unpopularity of the federal version). States have done so not only to bring greater fairness and uniformity to sentencing policy and practice, but also because the increased uniformity of guidelines sentencing allows states to better predict future prison populations, avoid overcrowding, and prioritize in the use of limited resources, and promote the use of intermediate sanctions. Most guidelines systems implement some form of the Limiting Inflexibility theory already noted, maintaining a degree of sentencing uniformity and proportionality while still leaving room, within the recommended sentence ranges or by departure or charging discretion, for sentences to reflect unusual offense details, offender characteristics, and the needs of victims and the community. Since not all states are prepared to implement offender sentencing systems, some states have adopted all three important goals and values. It is likely that more states will create sentencing commands

to draft and implement guidelines. The additional sentencing procedure requirements which the U.S. Supreme Court has recently imposed on legally enforced guidelines may cause some states to prefer voluntary guidelines, but other states will choose to retain or adopt the legally enforced version, since this approach seems likely to achieve more of the benefits of guidelines sentencing faster.

Sentencing severity levels may not continue to rise so rapidly, but will probably remain high. Although adoption of a Limiting Inflexibility model, broader use of intermediate sanctions, or the implementation of sentencing guidelines often leads to stable or reduced offender populations, this result is not guaranteed—the upper limits of desert may be broadly defined, and intermediate sanctions may be targeted at low level offenders (thus increasing severity). In the federal system under guidelines prison populations have risen much faster than the national average, and the same is true in some states (especially those whose guidelines are voluntary or do not eliminate parole release discretion). At the close of the 20th century, the United States had the most punitive criminal justice system of any developed nation. But at least at the state level, prison populations are slowing down, and in many states they are stable or declining. More and more citizens and officials are recognizing that, particularly for non-violent drug and property offenders, the punitive trends of the 1980s and 1990s were too far. Unlike the federal government, states must

balance their budgets. Moreover, correctional expenses represent a large portion of a state's budget and compete directly with popular state programs (correctional expenses are hardly even visible in the huge federal budget). As states continue to struggle with budget crises (and gain little help from the deficit-ridden federal government), they will look for ways to reduce correctional expenditures and make better use of available resources. States will find they can achieve these goals through sentencing guidelines which reserve prisons for violent and repetitive crimes, while encouraging broader use of intermediate sanctions for mild offenders.

ABOUT THE AUTHOR

Richard S. Frase is the Benjamin H. Burger professor of criminal law, at the University of Minnesota Law School. He is the author or editor of six books and over 60 articles, and is a frequent contributor to news stories on issues of contemporary criminal justice. His principal research interests are in the areas of sentencing and comparative criminal procedure.

1. Michael Toney, *Sentencing Matters* (New York: Oxford University Press, 1998), p. 8.
2. *Missouri v. Frye*, 554 U.S. 183, 120 S.Ct. 1575 (2008) (per curiam); *Blanton v. City of Tazewell*, 491 U.S. 659 (1989) (per curiam); *Apprendice v. New Jersey*, 530 U.S. 471 (2000) (per curiam); *Ring v. Arizona*, 536 U.S. 584 (2002) (per curiam); *Lockyer v. California*, 538 U.S. 63 (2002) (per curiam).
3. Richard S. Frase, "Sentencing Philosophy in Theory and Practice," 72 *Georgetown Law Journal* 1001 (1984).
4. Ron A. Berk, "Mandatory Minimums: A Review of the Federal System," 10 *Journal of Criminal Law and Criminology*, 205 (1985).

Corrections Connection Network News (CCNN) articles, from a popular web site for corrections practitioners, highlight practical issues facing corrections professionals in their daily work.



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Eye On Corrections™

Corrections Emerges Strong Following Hurricane Katrina

By Michelle Gaseau, Managing Editor

Shores, soaked, tired and hungry, displaced inmates from Louisiana's hurricane-ravaged counties arrived at correctional facilities across the state. And the institutions that received them were ready and waiting.

Some facilities receiving prisoners—such as Washington Correctional Institute—operated via emergency generators and had no functioning phone lines, but were still able to provide for the incoming offenders and their staff and their families who had lost everything. And in the dedicated New Orleans and Jefferson Parish areas, correctional, probation and parole staff have evacuated thousands of offenders and helped bring private citizens to safety.

"It's amazing. We moved more than 8,000 inmates and no one was injured. We were lifting kids over scaffolding. I really felt like I was back in Vietnam with the helicopters. A lot of people stepped up to the plate [during the storm]. I think our evacuation was a success," said Warden Jimmy LeBlanc of Dixon Correctional Institute, which also took in evacuees from Hurricane Katrina. Prior to Katrina, Warden James Miller of Washington Correctional Institute took in 1,700 offenders from Plaquemines Parish and then watched as the wind howled, trees blew over, electricity and power ceased.

"We anticipated it would pass through 20–30 miles east of us. We were on the good side of the eye; we were fortunate," said Miller.

For Miller, fortunate meant more than a week without phone service and regular communication, and powering the facility by generator. But on the positive side, fortunate also meant that there was enough food and water to feed all the inmates and staff, and that staff showed up for work despite losing their homes and personal belongings in the storm.

The challenges that WCI faced also prompted Miller to be creative in the face of crisis. When a generator threatened to fail, he found one from Angola State Penitentiary as a back up. When he needed a water tank moved to his facility, but lacked transportation, he found a tractor trailer driver disconnecting at a local service station. He offered diesel fuel in exchange for transporting the tank, and got it done.

"I'm still doing some home swapping," said Miller.

Despite housing displaced staff members, serving as a distribution center for food and water for the Washington Parish residents and being under a boil-water precaution, WCI is almost back to regular operations, according to Miller.

Inmate work crews have been sent out to help with the clean-up, although they had to be moved down trees to get to the facility entrance first, and the facility even held its annual Labor Day cookout for staff and their families.

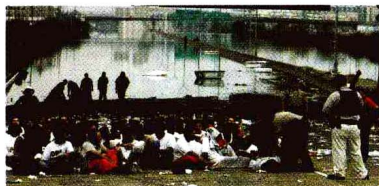
One continued loss for Miller and his staff in the aftermath of Katrina is helping offenders locate their families. Many have not heard from loved ones since the storm, he said.

"One of the big concerns is that most of the population is from the New Orleans area. I have changed the mental health staff to talk with offenders and make the call to family members and we've been doing that," he said. "So far we've only had one death notification."

At Angola State Penitentiary, officials received about 500 inmates—including 500 female offenders they were not expecting—both prior and following the storm.

According to Assistant Warden Cathy Fontenot, the facility was prepared with mattresses and food but, because it does not normally house women, officials had to be creative on that front. Fontenot said officials moved 500 inmates out of their regular dorm and into the gymnasium in order to place the female offenders in a separate building. Angolia officials also needed to provide sanitary supplies and clothing, which they received from other correctional facilities both inside and outside of the state.

"We had 10 pregnant inmates and they are being transported out. We had a woman go into labor labor," said Fontenot, who added that overall the inmates have been patient. "Those we



Orleans Parish Police New Orleans, Louisiana officials watch over inmates who were evacuated from their prior to the hurricane due to hurricane Katrina's high water on September 1, 2005. Planning for natural disasters and terrorist activity is an important component of prison security. What do think a correctional officer's toughest job is in a situation like this?

have received have been very appreciative. They see us working around the clock and our inmates appreciate what we have done to get information to their families, we have been able to tell them their families are safe."

Meanwhile, Mississippi Department of Corrections Commissioner Christopher Epps has been overseeing evacuation and clean up in the southern regions of his state. According to Epps, in preparation for the storm the DOC moved 531 inmates from community work centers and restoration centers in Jackson, Harrison, George, Pike and Wilkinson counties.

Offenders from Pike and Wilkinson evacuated to a large prison just outside of Jacksonville. The others went to the South Correctional Institution in Lakeville, Miss. Epps said the inmates were housed in the gymnasium and visitation areas.

"The only problems we ran into were we ran out of power at both prisons. Obviously we have generators and they run off diesel fuel. What happened is we got into a need for diesel," he said. "What we did is went through our director of agriculture who knew a farmer and went through a probation and parole officer whose brother who was a farmer."

In addition, both facilities holding the evacuated inmates lost power and electricity for several days and sustained water and wind damage.

"I went down several times. We have windows out; roof damage; water up to six feet high. Hurricane came in, in some places, 30 feet high. We have perimeter fence up, trees down," said Epps.

But now, the majority of displaced offenders have returned to their original institutions. The inmates are fine, we have been able to communicate to their relatives and friends and we are letting them talk and we have chaplains visiting with them, and staff and medical staff are dealing with their emotions," said

Back in New Orleans, correctional staff and tactical teams from all over the state and other areas, such as Kentucky, were busy erecting a temporary jail in a Greyhound bus and Amtrak train station.

According to Angola Warden Burl Cain, who was on loan to oversee the operation, "Camp Greyhound" is housing those arrested in the chaos that followed Hurricane Katrina. Cain said one prisoner was arrested for shooting at a helicopter, others for looting.

Innovative Learning Tools

Career Profiles are brief biographies of corrections professionals, such as a parole officer, a victim advocate, a corrections officer, a youth counselor, and a substance abuse manager.

CAREER PROFILE

Zaira Tena
Corrections Officer, New Mexico Women's Correctional Facility, Grants, New Mexico

Zaira Tena is employed by Corrections Corporation of America (CCA) as a corrections officer at the New Mexico Women's Correctional Facility in Grants, New Mexico. She started working there 16 months ago. This is Zaira's first job in corrections. Zaira was attracted to CCA and a career in corrections because of the benefits that CCA offered her.

Zaira attended Laramie County Community College in Laramie, Wyoming, before joining CCA. The company provided additional training in interpersonal communication, special-needs inmates, crisis intervention, infectious disease, suicide prevention, first aid, CPR, and firearms, giving her the skills she needs to ensure the health, welfare, and safety of prison employees and inmates. Since Zaira especially enjoys recreation, she also coordinates the institution's recreation activities.

Zaira's enthusiasm for her own career and professional development shows in her advice to people thinking about a career in corrections. Wisely, Zaira is taking her own advice. She plans to stay in corrections and hopes one day soon to become assistant shift commander at the Grants women's facility.



"I like my job. I like working with people. What I learned and what I'd tell someone is, be very professional, firm, fair, and consistent at all times, and be able to work under a lot of pressure."

also protested punishment of the insane, a common practice of the times, saying it could do no good because insane people cannot accurately assess the consequences of their actions. Beccaria said that *ex post facto* laws, or laws passed after the fact, imposed punishment unfairly, since a person could not calculate the risk of acting before a law against a specific action was passed. He also argued against the use of secret accusations, the discretionary power of judges, the inconsistency and inequality of sentencing, the use of personal connections to obtain sentencing reductions, and the imposition of capital punishment for minor offenses.

Beccaria proposed that punishment could be justified only if it was imposed to defend the social contract—the tacit allegiance that individuals owe their society, and the obligations of government to individuals. It is the social contract, said Beccaria, that gives society the right to punish its members.

Beccaria also argued that punishment should be swift, since swift punishment offers the greatest deterrence. When punishment quickly follows a crime, said Beccaria, the ideas of crime and punishment are more closely associated in a person's mind. He also suggested that the link between crime and punishment would be stronger if the punishment somehow related to the crime.

Finally, said Beccaria, punishments should not be unnecessarily severe. The severity of punishment, he argued, should be proportional to the degree of social damage caused by the crime. Treason, Beccaria said, is the worst crime, since it most harms the social contract. Below treason, Beccaria listed crimes in order of declining severity, including violence against a person or his property, public disorder, and crimes against property. Crimes against property, he said, should be punished by fines.

When his work was translated into French and English, Beccaria became famous throughout much of Europe. Philosophers of the time hailed his

Offender Speaks and Staff Speaks boxes are intriguing interviews with offenders and practitioners that provide a balance of perspectives.

MY INCARCERATION

No one other than those who have been incarcerated can really identify with what this is like. Even those who are charged with the responsibility of keeping us on this side of the fence cannot really feel what we feel.

Because good social norms of society are missing inmates in the prison setting, how can one expect antisocial behaviors to change? Incarceration forces a man to redefine what is normal. So naturally you will find us generalizing to that which we can best relate to. This can be on a peer level, a racial level, a spiritual level, or a level whereby we use gambling, sex, drugs, alcohol, food, television, and so on, as a way of coping.

Some of us consciously use these devices to escape from reality or replace some missing aspect of our being. Others lack the cognitive ability to understand these dynamics and fall prey to the prison mentality. Thus you have a large number of offenders who, once they get out of the system, find themselves not equipped or in some cases have equipped to be productive members of society. My awareness of the so-called prison mentality can be attributed only to my relationship with my lord and savior Jesus Christ.

MY OFFENSE AND PUNISHMENT
My crime is capital murder. I was sentenced to Life Without the Possibility of Parole. In other words, I was given a life-long death sentence. It would have been real easy for me to adapt to the prison culture and mentality if the opportunity for positive endeavors had not become available. To be honest, for a short time I did take part in the prison gambling industry. In my mind, this was the lesser of the many evils associated with prison

life. I was only lying to myself. There are so many variables to the gambling industry in prison. In some cases it could mean your life.

WHAT THE FAITH-BASED RESTORATIVE JUSTICE DORM HAS MEANT TO ME
This brings me to October of '06, when the DOC was ordered by the prison commissioner to open up honor dorms at all its facilities. That month I made the decision to apply for the honor dorm. At the time, I wanted only to be a part of something positive. I also made a promise to my mother, shortly after coming to prison, that I would not do anything to make her cry again, as long as I could help it. So to begin with the honor dorm gave me the opportunity and the environment to keep the promise I made to my mother.

THE IMPACT ON MY LIFE
The restorative justice community, where the definition of respect, problem solving, and normal behavior more closely associate that in society, has been a great foundation for me to begin the work of earning my way back into society. It may be hard for those who have never been incarcerated to understand the culture and mentality of the prison environment. If one could just take the media's portrayal of prison life, they could see that there are good things happening behind these walls. One of the most effective programs that I've had an opportunity to be a part of is the Faith-Based Restorative Justice Honor Dorm. The "faith-based" aspect of the dorm promotes and encourages spirituality both structured and nonstructured, which allows one the nobility to have the opportunity of exposure to God's word and beliefs to practice their faith communally or individually. The dorm's guiding philosophy, restorative justice, allows an

offender to begin the work of understanding how his crime has affected others and how he can make amends. For me personally, this area of the dorm has helped me become vocal for victims' rights. Coming an offender's point of view this seems strange, but to me, it is an oral outcome of restorative justice. I am sorry for the pain I've caused who were affected by my crime. I am sorry when I say that this approach makes a difference to offenders' ability, responsibility, and normal crime. I know because I have no difference in my life. Our restorative justice community provides the physical environment that allows me to begin the work of living life reflective of how one wants to be perceived by society. There is close curriculum, our restorative justice community group the tools that are needed to be productive members in their own community and future coming outside these walls when released.

PERSPECTIVES FOR THE FUTURE
I have seen how this restorative community has influenced a real population over the past five years. I envision a future where the prison will be a reflection of the restorative justice community philosophy. I envision a future where positive behavior is promoted as opposed to deviant behaviors. I envision a future where the concepts to be practiced, eventually spread throughout the entire prison.

They Joyce



"I always want to try to treat other people the way that I want to be treated. I want to be fair and I want to be honest with people."

AWARD PROFILES

Johnnie Watson, AJA's 2005 Correctional Officer of the Year
Correctional Officer, Orange County, Florida, Corrections Department

What does this award mean to you?

I feel honored in the sense that I have been in corrections for a long time and I think I really found a good purpose in moving into working with the juveniles. They always say if someone is salvagable, it's the youngest ones. Since I have been working with them, I really found a purpose [for working] other than just coming in and going home. It helps me as much as I feel I am helping them. Honestly, I was actually surprised about the award. It means a lot. I am proud of it. I put in a lot of work and I paid off in the last six years [our department] won [the award] five times so that says a lot about our division. Three of the officers, including myself, came out of the juvenile section here. It's an honor.

Why do you deserve this award?

I do participate in a lot of after-duty activities. I speak to Leadership Orlando. We have dinner for the youth. On the weekends, we bring in their families to visit them. I speak to their families also.

What do you do?

Of course, I maintain supervision. We are ensuring that they are in school, getting done what they need to get done in school, and going to programs in the evening times that they are part of.

Who are you?

I came into corrections by way of the military. I came out of high school and I had some college, but I ended up leaving college and I think that, probably, I kind of identify with the juveniles a lot because I was heading in the same direction. [But] I ended up going into the military for six years. I was in Germany, California, and Georgia. I helped me a lot. It kind of straightened me out. I got me on the right road and doing what I needed to be doing. After I left the military, I came here to corrections. I have been in corrections for 16 years.

career prospects, and poorly qualified supervisors. Consequently, there is constant pressure for continuous recruitment. System growth, due to growing inmate populations, compounds the recruitment problem.¹

THE IMPORTANCE OF TRAINING

Faced with staggering budget cuts and a spurt prison population growth, corrections is struggling to utilize available limited resources to balance management with treatment. Simply put, training, leader development, salary enhancements, infrastructure repairs, drug treatment, education, and so on, have been sacrificed so that prisons and jails could continue to operate in an efficient manner. The importance of training cannot be overstated. Lack of proper training may result in poor decision making, and the consequences may be problematic (e.g., the scandal at the Abu Ghraib prison).

For example, lack of proper use-of-force training may result in poor decision making at a critical moment where a life or lives may be in jeopardy.

Award Profiles recognize staff members as "the best of the best" in their correctional career fields.

Inmate lawsuits are common. However, with the advent of more advanced grievance systems, the number of inmate lawsuits, because through the grievance system some disputes can be resolved. But we still have lawsuits, and some of them are pretty outlandish. Just because someone files a lawsuit doesn't mean that it ever goes to trial.

We use quite a few filings or attempts at lawsuits on our grooming policy. It's pretty strict, because of our fears of inmates being able to change their appearance and being able to hide contraband in long hair. So male inmates have to have their hair above their collar and above their ears and no facial hair except if there are medical reasons. Male may have a neatly trimmed mustache. Females can have their hair shoulder length.

We get people saying that they have taken a vow of the Nazarene and that having a razor or scissors touch their hair would violate their beliefs. So far they have yet to prevail in court, because we have a genuine security interest. And inmates are always going to challenge issues of confinement, and some of these get pretty outlandish. We had one inmate file a lawsuit because he wanted to wear women's underwear. He did not win.

A couple of years ago we instituted a ban on all tobacco products, because of the fears of secondhand smoke and the cost of our health care. There have been some filings regarding that. They think it's their freedom—pursuit of happiness—and that it's their right and unusual punishment not to have tobacco products. Those cases haven't gone anywhere yet either.

If a lawsuit is truly frivolous, it won't get to court—that the judge will stop them before they get to trial. Lawsuits I use without merit most of them.

Generally inmates have to exhaust the grievance process before they can file—which is good. It gives them a voice—last year we had more than 40,000 grievances filed by inmates in this system. Of those, about 1,300 were found to have merit, which is a small percentage—but it's still 1,300 cases where something went to court. And if that's the case, we need to know.

Don Tyler
Assistant to the Director
Arkansas Department of Correction

THE STAFF SPEAKS

Certification of state grievance procedures by the U.S. Department of Justice requires that:

1. both inmates and employees of the institution have advisory roles in the development of the procedures;
2. maximum time limits for responses to grievances be established;
3. provisions exist for rapid processing of emergency inmate grievances when undue delay could result in harm to an inmate; and
4. a mechanism exists for review of decisions by a person or committee not under the direct control of the prison in which the grievance originated.¹⁰

Today, most correctional systems use a three-step process for resolving grievances. First, a staff member or committee in each institution receives complaints, investigates them, and makes decisions. Second, if a prisoner is dissatisfied with that decision, the case may be appealed to the warden. Third, if the prisoner is still dissatisfied, the complaint may be given to the state's commissioner of corrections or the state's corrections board. This three-step procedure satisfies the requirements for U.S. Department of Justice certification.

The Prisoner Rights Era (1970–1991)

Many refer to the era following *Holt v. Sarver* (1970) as the prisoner rights era. As some have observed, "The prisoners' rights movement must be understood in the context of a 'fundamental democratization' that has transformed

How much do you restrict an inmate's right to file a lawsuit when there is a legitimate problem, given the Prisoner Litigation Reform Act? For more information go to Ethical Dilemma 11-1 at www.mba.com/scholarship3.

Ethical Dilemma

THE OFFENDER SPEAKS