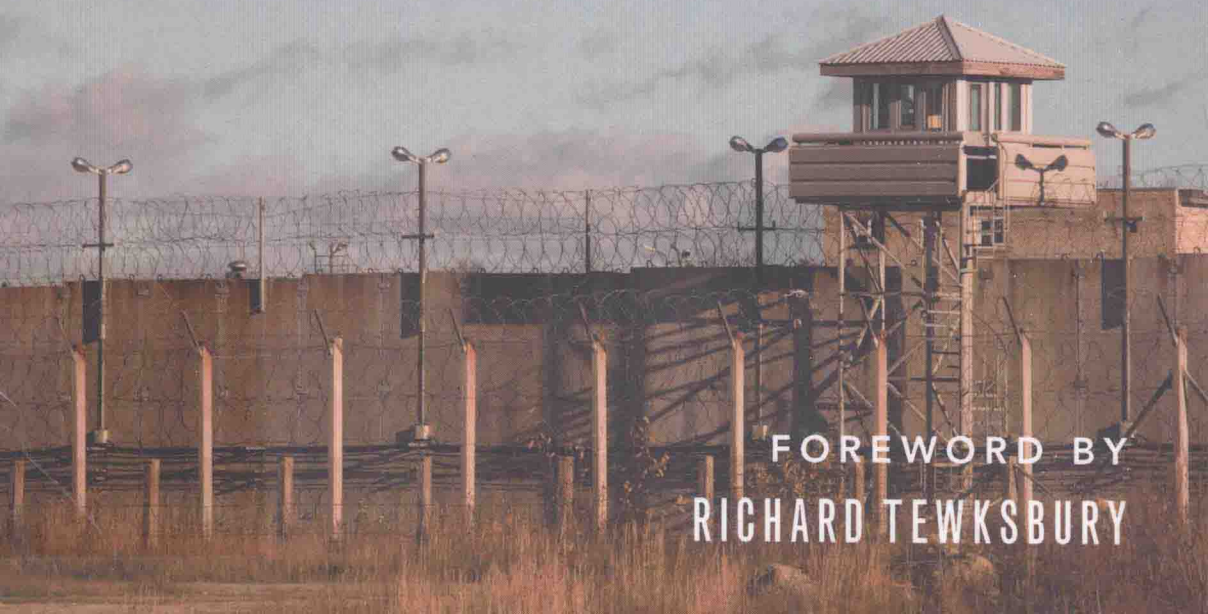


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KEY ISSUES IN  
**CORRECTIONS**

JEFFREY IAN ROSS

FOREWORD BY  
RICHARD TEWKSBURY



# KEY ISSUES IN CORRECTIONS

Jeffrey Ian Ross

Foreword by Richard Tewksbury



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To Mark J. Rochon, Michele A. Roberts,  
William P. Barry, and all the other criminal  
defense lawyers and public defenders who, on  
a daily basis, struggle to protect the rights of  
defendants against overzealous prosecutors,  
district attorneys, judges, and juries.

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## About the author

Jeffrey Ian Ross, Ph.D., is a Professor in the School of Criminal Justice, College of Public Affairs, and a Research Fellow of the Center for International and Comparative Law and the Schaefer Center for Public Policy at the University of Baltimore, USA.



He has researched, written, and lectured primarily on corrections, policing, political crime, violence, abnormal-extreme criminal behavior, urban subcultures, and crime and justice in American Indian communities for over two decades. Ross's work has appeared in many academic journals and books, as well as popular media. He is the author, co-author, editor, or co-editor of several books including: *Behind Bars: Surviving Prison*; *Convict Criminology*; *Special Problems in Corrections*; *Beyond Bars: Rejoining Society After Prison*; and *The Globalization of Supermax Prisons*.

Ross is a respected subject matter expert for local, regional, national, and international news media. He has made live appearances on CNN, CNBC, Fox News Network, MSNBC, and NBC. Additionally Ross has written op-eds for the *The (Baltimore) Sun*, the *Baltimore Examiner*, *Inside Higher Ed*, *The (Maryland) Daily Record*, *The Gazette* (weekly community newspaper serving Maryland's Montgomery, Frederick, Prince George's, and Carroll counties), *The Hill*, and the *Tampa Tribune*.

Ross has performed consulting services for CSR, Intel Science Talent Search, Maryland Department of Public Safety and Correctional Services, U.S. Department of Defense; Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice (USDOJ); The National Institute of Justice, USDOJ; U.S. Department of Homeland Security; and Westat.

From 1995 to 1998, Ross was a Social Science Analyst with the National Institute of Justice, a Division of the USDOJ. In 2003, he was awarded the University of Baltimore's Distinguished Chair in Research Award. From 2005 to 2006, Ross was a member of the Prisoner Advocate Liaison Group for the Institute of Medicine (part of the National Academy of Sciences). Ross worked for approximately four years in a correctional institution. Along with Stephen C. Richards, he is the co-founder of the Convict Criminology school, movement, organization, and network. For more information see [www.jeffreyianross.com](http://www.jeffreyianross.com)

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## Foreword

The thought of being incarcerated is perhaps the biggest fear for many people in our society. For others, jail or prison is not something to be feared, but rather more of a place or location to wonder about when one will end up there. Institutional corrections in the United States is a massive, exceptionally expensive “system” that reaches into the lives of millions of people. The American correctional system is also fairly complex, often outdated, and for all too many people in our society a common place to spend time. Regardless of whether one believes being incarcerated would be the worst thing that could ever happen to them or that jail, prison, and/or community corrections is just a rite of passage, both views are unfortunate and based on limited, filtered, and most probably biased information. Knowing what incarceration is really like, what jails and prisons are really like and what it is like to live and work in corrections is critical for understanding corrections as an often-overlooked, but critical institution and experience. And, knowing about corrections allows us as a society to know if, when, and where we may need to make changes to this final component of our criminal justice system and what these changes should be. Corrections, rather obviously, serves a very practical purpose for our society. This is the primary way that we have for punishing, as well as (hopefully) changing the behavior of those who cannot, or simply will not, abide by the laws of society. So too do our corrections system and practices exemplify our paradigmatic views of morals, diversities and values of both difference and humanity in general. In short, to know a nation is to know its jails, prisons, and community supervision and vice versa.

Understanding corrections is not a niche issue in the culture of a nation, but it is a major financial investment. If for no other reason, the billions of dollars that are spent on corrections are cause for understanding how this set of places, processes and procedures operates. As one of the only continuously growing industries in our world, many communities rely on jails, prisons and community corrections for jobs and economic stimulation. Billions of dollars of profits are made by corporations that either operate correctional institutions or simply provide goods and services to them. Corrections is one of the largest providers of state jobs in the United States. And, lest we forget, prisons also provide a place for storing our most socially undesirable members and removing them from the communities in which policy makers live, work and play. Examining corrections’ role in society allows us to appreciate the

nation's fundamental values by looking at the prisons/jails and criminal justice industrial complex. As a long recognized way of assessing a society, if you look at the way that the least desirable, least valued members of society are treated, you can learn about that society's core values. As you move through reading this book – which is an in-depth coverage of most of the many issues that construct what corrections is – think about that. If this is how we treat those “on the bottom” of our social hierarchy, what does this say about us? Do our correctional policies and practices make us look like an advanced, humane, socially just society?

This is not to argue that jails and prisons as a concept is not useful and cannot be a positive aspect of society. But, when corrections becomes a place for social undesirables rather than just the truly dangerous, are we saying something about our values and our views on “difference”? Remember that we tend to incarcerate people for really long periods of time. And, we send people to jails and prison for both big/serious things, and other things that at least some of us may not believe are really worth 20% (10 years for a 50-year-old) of someone's life. For some offenders, yes, corrections is needed, and it should be punitive. But, it should also be humane, based on scientific evidence and in the best interests of all involved, including society as a whole. Do we really benefit from a system that imprisons over 2 million persons at any given point in time? Are there really that many people that just could not be provided less expensive services to facilitate them being members of free society?

Many things may appear to have face validity as support for an approach, practice or structure. But, when we understand such things in context, and in combination, we can see behind the packaging to what is really underneath. At that point we have the necessary resources and understanding to seek to change. But, is change, especially change in the direction of more humane, more socially beneficial outcomes, really what is wanted? For some of us, absolutely. For others, however, it would appear that the answer is no. We know this because, as is stressed throughout this text, illogical, harmful, and sometimes simply inhumane practices are maintained, and even reinforced and strengthened. At these times and in these instances, it is difficult (if not impossible) to believe that policy makers and correctional officials believe we could do better. If they did believe it, wouldn't we make at least some of these positive changes?

Or, for those who arrive at this understanding and do not see a need for change, knowing the information, as well as the ways that corrections is interconnected with other social systems, provides a foundation for building support for the status quo. Knowing what you believe is one thing. Knowing why you believe what you do is probably even more important. This allows for intelligent debate and decisions. Hopefully that debate will consequently produce compromises and consensus based on facts and information rather than emotion, politics and personal investment.

Jeffrey Ian Ross is a scholar who emphasizes the understanding of corrections as a part of the prison industrial complex. The approach he provides in this text is one that recognizes that our correctional systems and practices are heavily influenced by politics, economics and emotion. Knowing that this is how things operate is important. In that vein, books such as this one are critically necessary. Here the reader will see the issues that are of importance in contemporary prison discourse (e.g. the Key Issues!) and be provided with a context in which to see the influences upon, and reciprocal influences from, specific correctional structures, processes, and experiences.

Presenting a clearly critical perspective on corrections, and what it is, how it works and what it produces, *Key Issues in Corrections* shows that it is vital to ask questions and to question what information may be most prominently presented and most loudly argued. This idea introduced in Chapter 2, which highlights the myths about corrections in our society, how and why these myths have come to be “common knowledge,” and how widespread acceptance of myths is harmful. Corrections is not an isolated part of our world that is necessarily “out of sight, out of mind.” Instead, as readers here will easily see, what happens in corrections is important for society as a whole.

Ross seeks to provide readers with a look at the reality of corrections. Readers need to know, however, that this is a view that is not always pleasant or encouraging. However, if the problems that plague corrections are not identified and discussed, how could we ever expect them to be solved? By honestly and openly looking at the reality of corrections, it becomes possible for corrections to actually be corrected. Providing a foundation upon which to build this correction is what readers will find in *Key Issues in Corrections*.

*Richard Tewksbury*  
*University of Louisville, USA*

# Preface

## A brief description

*Special Problems In Corrections* (hereafter *SPIC*) was published in paperback in 2008 by Pearson/Prentice Hall. In addition to the Foreword by my fellow convict criminologist Stephen C. Richards and the Preface I wrote, the book consists of 16 chapters, each covering a different challenge or controversy in the field of American corrections.

According to the publisher,

[*SPIC*] identifies the most pressing issues affecting the correctional system today. Maintaining a solutions focus, the book organizes problems into two distinct categories: those impacting the convicts and correctional facilities and those impacting the correctional officers and administrators. It examines long-standing, and emerging issues from a critical perspective, grounding discussion in empirical research and current events. Using the consistent voice of a single author, the book offers a no nonsense approach to explaining the problems of correctional officers, correctional managers, prisoners, and the public.

I explained the rationale behind my organizational concept of a “special problem” in the following manner:

Given that I do not have the kind of resources to conduct the more comprehensive kinds of studies, almost each semester I survey my students and ask them to rank in order what they think are the most important problems facing the field. Not all the responses fit into distinct categories, but over the years I have discovered a number of consistent themes. Indeed, the problems will not strike the reader as anything new, but the organization and rendering in this book should. (Ross, 2008c: xix)

Although one of the chapters (Chapter 1) discusses the history of corrections, the book primarily focuses on the 1960–2007 period and is geared to an American audience. Not only does *SPIC* review the problems/challenges (including the relevant scholarly research), but it also analyses the solutions proposed and implemented, including their success and failure in solving the relevant problems/challenges. When no discernible solution has been proposed by the field, I suggest one or more potential approaches.

*SPIC* tackles each problem/challenge in as comprehensive a manner as possible and posits realistic solutions. *SPIC* integrates scholarly analysis with current events by relying on recent news media accounts and information gathered by respected news outlets.

The chapters typically include two boxes (for example, a brief review of an important historical event, a well-known, respected, and/or relevant book, a summary of a film that is pertinent to the chapter, and so on). These are items that students and/or instructors may wish to explore in greater detail. There are also a handful of figures (i.e., lists and tables) throughout the book. The “exhibit boxes” provide background details on items that may be of interest to students and instructors, and help break up the flow of the text.

The book is primarily written for undergraduate students who have already had an introduction to corrections class. It attempts to avoid the nuts-and-bolts approach that is typical to an introduction to corrections text. Thus, the book is targeted toward upper-level university students (typically referred to as juniors and seniors at American universities) and entering graduate students. It may also be used as a supplement in an undergraduate introduction to corrections class, or a class with a title such as “Special Issues in Corrections.”

*SPIC* is easy to read and designed to answer common questions asked by undergraduate and graduate students taking a class in corrections. This book is also accessible to practitioners (including individuals aspiring to work in the fields of criminal justice and corrections in particular) and policymakers in the corrections field, as well as members of the news media covering stories on corrections.

## **Background to both first and second editions**

*SPIC* was based not only on my practitioner experience (working close to four years in a correctional facility), but also on my over two decades of scholarly research, publishing, and teaching in this field. Over time, the focus of my research and writing on corrections has changed, as has my pedagogy in this subject area. I can say in general and with confidence that my undergraduate corrections class, where I use this text, is one of the most popular courses I teach. A large part of the reason why it is so successful is because of this text.

## **The need for a second edition of *SPIC***

Needless to say, a number of significant events in the field of corrections have occurred and a respectable amount of academic literature has been published since *SPIC* was originally released, thus making certain sections of the first edition obsolete. Additionally, since the publication of *SPIC*, no other publisher has released a single-author text concentrating on special issues in corrections. The other books that have been produced are all edited compilations. I believe there is still room in the market for a reasonably priced, single-author “Key/Special Issues in Corrections” book tailored for juniors, seniors, and graduate students, which is user friendly and has classroom adoption potential.

### **New title**

Although there are logical arguments for and against using the original title *Special Problems in Corrections* (2nd Ed.) or developing a new one, because of the move to a different press, I believe the *SPIC* title should be avoided. Given the significant changes in terms of content, length, and updates that this second edition has involved, a new title, *Key Issues in Corrections*, was chosen.

### **Content of *Key Issues in Corrections***

Under the assumption that instructors who previously assigned the first edition of the book might want to use the second edition and may prefer not to substantially redesign their courses, the book largely retains the original table of contents, which captures, in logical sequence, the most important problems/challenges facing the correctional system in the United States.

Additionally, one topic that has risen to prominence since the first edition was published is the challenge of privatization. A chapter titled “Privatization of corrections,” placed in the second half of the book, is included. This new chapter includes not only the building and managing of private jails and prisons, but also the contracting out of medical care, mental health care, and education services, all of which have been expanded over the past decade. Likewise a chapter on the death penalty is included. This chapter reviews the history of the death penalty in the United States, including arguments for and against its use. On the other hand, although the subject of juvenile corrections is relevant to the book, neither an extended discussion nor a chapter specifically devoted to this challenge has been included in this text.

Most introductory corrections texts are pretty basic and simplistic in character. They are designed for practitioners or students who are considering or want to enter the profession. These books typically present the facts and

then instructors require their students to whom they assign these to memorize and hopefully understand this information. These are important building blocks for understanding the scope of the field of corrections. They provide a considerable amount of content. This material, often technical and vocational in nature, may be irrelevant to the central point of the discussion, and end up distracting and overwhelming students. Unfortunately, these introductory texts rarely encourage students' critical thinking.

In order to minimize these shortcomings, *Key Issues in Corrections* frequently rank orders both problems/challenges and solutions from least to most important. This is done because of the realization that not all problems and solutions are of equal magnitude. The reader may disagree with my ordering, but it serves as a point of departure in argumentation.

In *Key Issues in Corrections*, each chapter is organized in the same manner: history of the problem/challenge, delineation of the components of the problem/challenge (especially the scholarly research that has been produced on the subject or the popular conceptions of the problem/challenge), and a systematic presentation of solutions and why they may or may not work. I believe this manner of organization instills an analytical and critical thinking framework.

The ideas presented in *Key Issues in Corrections* are succinct, and the key points are highlighted in each single chapter. As such the book is written in a manner that sparks discussion on these topics.

In general, the revision involves an updating of the original text, an inclusion of literature that was not reviewed in the preparation of the first edition, a review of additional scholarly literature that has been published since the original version, and a discussion of other noteworthy and newsworthy incidents and episodes from current affairs. The text also includes additional case studies, either within the actual text or in the form of exhibit boxes, as well as updated statistics. The updated text is written in a way that makes it more appropriate for classroom adoption, and possibly the general public.

Below is a list of the features of the new book:

- integration of eight years' worth of new scholarship in this field;
- addition of new lawsuits that have had an impact on corrections in the United States;
- review of the increased use of technology in the field of institutional and community corrections;
- significant expansion of the chapter on "Management and administration";
- inclusion of additional information in the chapter on "Misuse of jails";
- addition of two completely new chapters: "The death penalty," and "The privatization of prisons";

## PREFACE

- Foreword by Richard Tewksbury, a prominent scholar in today's field of corrections;
- additional exhibit boxes;
- key terms, listed at the end of chapters;
- increase of word length by approximately 25% in comparison to the first edition.

The book will be as up to date as possible (up to 2016).

### **Ancillary pedagogy**

An ancillary website with multiple choice, short answer, and essay questions will help students gauge whether they have understood the content of the chapter. PowerPoints will be supplied to instructors on demand.

### **Market**

Most university departments of criminology/criminal justice offer at least one corrections class. They are pitched at a very general and descriptive level. *Key Issues in Corrections* not only covers the basics, but also applies an analytical and critical thinking framework that is rarely present in corrections texts.

This book has the most amount of utility for upper level criminology/criminal justice classes that have titles like "Special Issues in Corrections" or "Special Topics in Corrections." These kinds of classes will be found in larger departments of criminology/criminal justice that are typically located at larger state universities (e.g., University of Maryland, University of Illinois at Chicago, etc.). Rarely will they be found in departments of sociology, which may have only a few criminologists on faculty. Depending on the instructor's orientation, *Key Issues in Corrections* may also be used as a supplement for an "Introduction to Corrections" class.



# Introduction

## **How to determine the most important challenges facing corrections in the United States**

The average person is not likely to be too concerned about corrections, incarceration, or inmates/prisoners.<sup>1</sup> But I am. The problem of jails and prisons has intrigued me since the early 1980s, when I took my first and only job in a correctional facility. My interest in this topic has since ebbed and flowed due to a variety of life and career circumstances. Nevertheless, over the two-and-a-half decades that I have been teaching about and conducting research in the field of corrections, I have become interested in identifying the most important challenges within this field as well as their solutions.

I am under the belief, misguided as it may seem, that this information will help us focus our efforts at meaningful reform. I am not alone. At any given time, correctional consultants, alone or part of a team, are crisscrossing the country providing all sorts of evaluations of correctional policies and practices. This work is typically underwritten by state departments of corrections, the federal government, and sometimes by philanthropic foundations. I am also aware of the politically charged atmosphere in which prison reform exists and which can significantly affect meaningful efforts for change. Suggestions may be ignored because they run counter to the views of politicians, practitioners, and the public; and poorly researched programs, and those which were never subject to evaluation, may be funded simply because they have temporary political cache.

## **Reflexive statement**

I wrote this book because of the limitations I found with standard nuts-and-bolts texts on corrections. Although most corrections books used for introductory college and university courses provide an overview of the history and practices, and mention some of the problems of jails, prisons, and community corrections in the United States, too often this field of study and