

Crisis and Reform

Current Issues
in American
Punishment

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Alexis M. Durham III

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in American
Punishment

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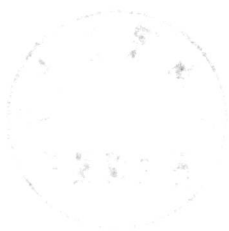
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This book is dedicated to Earl, whose intellectual energy and enthusiasm during my undergraduate years fostered the developments that have ultimately led to this book

and

to all those victims and offenders who simply
do not stand a chance.



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Crisis and Reform



Summary of Contents

Contents

ix

Acknowledgments

xvii

1. Introduction	1
2. Theory, Ideology, and Rationales for Punishment	7
3. Overcrowding—A Modern Correctional Nightmare	31
4. Special Problems: AIDS, Tuberculosis, and the Elderly Inmate	67
5. Women in Prison	105
6. Changing the Offender	133
7. Alternatives to Incarceration: Intensive Supervision, Home Confinement, and Electronic Monitoring	169
8. Alternatives to Incarceration: Fines, Restitution, Community Service, and Day-Reporting Centers	205
9. Shock Incarceration: The Prison Boot Camp	231
10. The Privatization of Prisons	259
11. The Death Penalty	299
12. Failure, What Might Be Done, and What Corrections Simply Cannot Accomplish	333
Postscript: The Crisis Continues	361



Contents

<i>Acknowledgments</i>	xvii
1 Introduction	1
2 Theory, Ideology, and Rationales for Punishment	7
Understanding the World: Theory	8
<i>A Model of Reality</i>	9
<i>Explaining Crime</i>	13
<i>Responding to Crime</i>	15
Understanding the World: Ideology	16
<i>Conservative Ideology</i>	17
<i>Liberal Ideology</i>	18
<i>Radical Ideology</i>	19
<i>Ideology: Summary</i>	20
Rationales for Punishment	21
<i>Revenge</i>	22
<i>Retribution</i>	23
<i>Deterrence</i>	24
<i>Incapacitation</i>	25
<i>Rehabilitation</i>	26
<i>Rationales for Punishment: Summary</i>	27
Theory, Ideology, and Punishment	27

3	Overcrowding: A Modern Correctional Nightmare	31
	What Is Penal Overcrowding?	32
	State Prisons	36
	Federal Prisons	38
	Jails	38
	<i>Focus 3-1</i> Counties vs. the State: Jail Litigation in Texas	40
	Causes of Institutional Crowding	41
	<i>Focus 3-2</i> Crowding in American Prisons: The Nineteenth-Century Experience	46
	The Effects of Penal Crowding	47
	<i>Prison Violence and Disciplinary Infractions</i>	48
	<i>Recidivism and Overcrowding</i>	49
	<i>Overcrowding and Inmate Well-being</i>	50
	<i>Overcrowding and Early Release</i>	52
	<i>The Effects of Overcrowding: Conclusions</i>	53
	Solving the Overcrowding Crisis	55
	<i>Focus 3-3</i> The Public's View of Prison Crowding	57

4	Special Problems: AIDS, Tuberculosis, and the Elderly Inmate	67
	AIDS in Penal Institutions	68
	<i>AIDS—A Modern Nightmare</i>	68
	<i>AIDS and Inmates</i>	70
	<i>Whose Rights Are at Risk?</i>	71
	<i>Preventing and Controlling AIDS within Correctional Institutions</i>	73
	Testing	73
	Segregation	74

<i>Focus 4-1</i> Integrating AIDS-infected Inmates in Prison: The Colorado Experience	75
Education	77
Training	78
Apparatus	79
<i>Meeting Health Care Needs</i>	80
<i>Legal Issues</i>	81
<i>Summary</i>	85
Tuberculosis and the Modern Prison	86
<i>The Return of a Menace</i>	86
<i>TB in Prisons</i>	87
<i>TB-related Issues in Prisons</i>	88
<i>Focus 4-2</i> Disease in Prisons: A Brief Historical Look	90
Prisons and Older Offenders	92
<i>Profile of the Older Inmate</i>	93
<i>Special Problems and Needs</i>	94
Protection	94
Physical and Mental Health Care	95
Elderly Inmates without Special Needs	96
Release of the Elderly	97
Conclusions	97

5 Women in Prison 105

Women in Prison: A Historical Perspective	106
Current Status of Women in Prison	109
Problems in Women's Prisons	113
<i>Economies of Scale</i>	113
<i>Focus 5-1</i> Vocational Programs in Women's Prisons	114
<i>Prison Conditions</i>	116
<i>Motherhood in Prison</i>	118
<i>Focus 5-2</i> Addressing the Needs of Pregnant Inmates: The Santa Rita County Jail	121
Thinking about Women in Prison . . . Thinking about Men in Prison	124

6	Changing the Offender	133
	Detering the Offender	134
	<i>Focus 6-1 The Failure of a "Can't Miss"</i>	
	Program: SCARED STRAIGHT	136
	Rehabilitation	139
	<i>Early Forms of Rehabilitation</i>	139
	<i>Hard Times for Rehabilitation</i>	143
	<i>The Impact of Correctional Reform</i>	146
	<i>Focus 6-2 A Right to Treatment?</i>	146
	<i>Problems with Rehabilitation</i>	148
	Problems of Theory	148
	Problems of Implementation	149
	Outcome Assessment	150
	<i>Who Supports Rehabilitation?</i>	
	<i>Some Surprising Evidence</i>	152
	<i>The Current Debate over Rehabilitation:</i>	
	<i>Some Promising Evidence</i>	154
	<i>Focus 6-3 Rehabilitating Drug Offenders:</i>	
	The Cornerstone Program	157
	Changing Behavior: A Partnership of Deterrence and Rehabilitation?	159

7	Alternatives to Incarceration: Intensive Supervision, Home Confinement, and Electronic Monitoring	169
	Historical Background	171
	Ideology	174
	Political Context	175
	The Public's View	176

Contents

What Are Alternative Sentences?	178
Probation	180
Intensive Supervision Programs	181
<i>Focus 7-1</i> New Jersey's Intensive Supervision Program	182
Home Confinement	187
Electronic Monitoring	191
<i>Focus 7-2</i> Palm Beach County—Pioneering in Electronic Monitoring	192
Conclusion	196

8

Alternatives to Incarceration: Fines, Restitution, Community Service, and Day-Reporting Centers 205

Fines	206
<i>Focus 8-1</i> Fines: The German Experience	209
Restitution	213
<i>Focus 8-2</i> Restitution Centers—The Texas Approach	214
Community Service	217
Day-Reporting Centers	220
<i>Focus 8-3</i> Hartford's Alternative Incarceration Center	221
Conclusion	224

9

Shock Incarceration: The Prison Boot Camp 231

Why Prison Boot Camps?	232
Ideology and Boot Camps	234

Historical Precursors	235
Major Goals of Modern Boot Camps	239
Current Status of Boot Camps	240
The New York Experience	242
<i>Clients</i>	243
<i>The Program</i>	243
<i>Inmate Perceptions</i>	244
The Effectiveness of Boot Camps	246
<i>Punishment</i>	246
<i>Recidivism</i>	248
<i>Reducing Crowding</i>	250
<i>Focus 9-1 Texas Boot Camps Facing Vacancy</i>	
<i>Problems</i>	251
<i>Reducing Correctional Costs</i>	252
Concluding Observations	253

10 The Privatization of Prisons	259
Why Privatize?	260
Current Penetration of Correctional	
Privatization	263
<i>Current Forms of Facility Financing</i>	264
<i>Facility Ownership and Management</i>	265
<i>Focus 10-1 Venus Pre-Release Center</i>	266
<i>Prison Industries</i>	268
<i>Service Provision</i>	268
<i>Summary of Forms of Private Sector Involvement</i>	269
Punishment and Privatization in Early	
America	269
Major Concerns Regarding Modern Correctional	
Privatization	273
<i>The Right to Punish</i>	273
<i>The Profit Motive in Corrections</i>	274

Contents

<i>Legal Liability</i>	277
<i>Cost Savings</i>	278
<i>Quality of Services</i>	280
<i>Governmental Dependency</i>	281
<i>Encouragement of Excessive Use of Incarceration</i>	283
<i>Abuses of Inmates</i>	284
<i>Focus 10-2 Post-Civil War Privatization</i>	
<i>in Louisiana</i>	285
<i>Summary of Major Concerns</i>	287
Evaluating Privatization	287
<i>Focus 10-3 "No Profits and No Inmates:</i>	
<i>The Ron Carr Detention Center"</i>	290
Conclusions	291

11	The Death Penalty	299
Rationales for Capital Punishment		300
Historical Background		302
Current Status		304
<i>Focus 11-1 The Death Penalty Around</i>		
<i>the World</i>		305
The Effects of Capital Punishment		307
<i>Retribution</i>	307	
<i>General Deterrence</i>		310
<i>Incapacitation</i>		312
<i>The Economic Cost of Capital Punishment</i>		314
<i>Focus 11-2 Death Penalty Price Too High for</i>		
<i>Kansas</i>		315
<i>Racial Discrimination</i>		317
<i>Focus 11-3 Being Executed Twice: Cruel</i>		
<i>and Unusual Punishment?</i>		320
What the Public Wants		321
The Future of the Death Penalty in America		323

12	Failure, What Might Be Done, and What Corrections Simply Cannot Accomplish	333
	What Have We Learned?	334
	Correctional Effectiveness: What Does It Mean?	336
	Late Twentieth-Century Penal Reform	337
	Why Have We Failed?	339
	<i>The Poverty of the New Assumptions</i>	339
	<i>Politics as Usual</i>	340
	<i>The Failure to Give Reform a Chance</i>	342
	<i>Asking Too Much of the Penal System</i>	343
	What Might Be Done	344
	<i>Education: What the People Need to Know</i>	345
	The Basis for Public Knowledge of Crime and Justice	346
	Clarification of Correctional Goals	349
	Understanding Correctional History	349
	<i>Education: What the Politicians Need to Know</i>	351
	<i>Developing Public Patience</i>	352
	Looking Beyond Corrections	353
	<i>Focus 12-1 Beyond Corrections: New York Reduces Prison Crowding by De-emphasizing Arrests of Street-Level Drug Dealers</i>	354
	POST SCRIPT	
	The Crisis Continues	361
	Index	367

1

Introduction

"More inmates could be back on streets early."

Tampa Tribune—January 30, 1993

Up to 7,000 inmates would be eligible for early release under a recommendation made Friday at a summit called by Gov. Lawton Chiles to deal with the swelling prison population. The inmates would include some drug-traffickers and non-violent habitual offenders. . . .¹

Prison crowding in Florida, and in many other states, has forced public officials to consider a wide range of remedies, some of which are regarded by the general public with a considerable lack of enthusiasm. Early release is one such remedy. Of course, the reality is that Florida's prison system is "almost 33 percent over capacity—the maximum allowed by the federal government."² A further reality is that a majority of the states are under court orders relating to prison crowding or conditions. With official crime rates remaining at relatively high levels,³ political leaders are struggling to find solutions.

This is not to suggest that our leaders have not been making efforts to address crime during the past two decades. They have. For evidence of this one need only consider that the incarceration rate in the United States has tripled since the early 1970s and more than doubled since the early 1980s.⁴ During the second half of the 1980s criminal justice system expenditures increased by 24 percent in constant dollars. The percentage increase in correctional system expenditures alone was double this overall figure. In 1990 dollars, annual per capita correctional expenditures have gone from slightly more than \$30 per capita in 1971 to more than \$90 in 1990.⁵ Moreover, "[s]tate government expenditures for building prisons increased 593 percent in actual dollars between 1979 and 1988."⁶ In 1988 and 1989 alone the increase in correctional expenditures was 29 percent. It is interesting to note that this contrasts with a mere 7.3 per-

cent increase in elementary and secondary education expenditures over the same period.⁷

Despite all of this effort, crime has not disappeared, and political leaders remain locked in a struggle to find solutions. Unfortunately, their “new” solutions seem very much like the “old” solutions. To continue with the case of Florida, Governor Lawton Chiles has proposed creating 21,000 more prison beds, an enormous increase of about 40 percent over current capacity.⁸ This solution is proposed despite what has taken place during the past decade. An analysis conducted by the National Council in Crime and Delinquency concluded that

[o]f the states, Florida has most dramatically increased the use of imprisonment—especially for drug crimes. . . . The data show that Florida has increased the number of offenders sentenced to prison by over 330 percent. . . . But despite this impressive and unprecedented increase in the use of imprisonment, the crime rate (reported serious crime to the police, excluding all drug crimes, per 100,000 population) has not been reduced.⁹

Florida’s predicament is partially the result of increased use of mandatory minimum sentences. Such sentences have substantial appeal to the general public, but have also had the effect of dramatically increasing the use of early release.¹⁰ Florida has continued to use such mandates despite evidence described in an analysis by the United States Sentencing Commission that they do not work.¹¹

The past decade has been characterized by continuing concern with crime, increased use of imprisonment, enormous hikes in correctional expenditures, and no discernable gains in terms of public perceptions of increased safety. How is this possible? After 300 years of the American struggle with crime and punishment-related issues, the nation seems less able to deal with them now than at perhaps any other time in its history.

This book is designed to explore some of the most significant aspects of the continuing crisis in corrections. In general, it will examine a number of the most serious problems currently afflicting the correctional system, as well as consider a number of solutions that have received substantial attention in recent years. Problems such as prison crowding, high recidivism rates, and AIDS in prison, as well as difficulties associated with the growing numbers of elderly and female inmates, will be examined. It is clear that these problems have already had con-